



Thomas J. Sniscak  
(717) 236-1300 x224  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

Christopher M. Arfaa  
(717) 236-1300 x231  
[cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)

William E. Lehman  
(717) 236-1300 x248  
[wlehman@hmslegal.com](mailto:wlehman@hmslegal.com)

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 [www.hmslegal.com](http://www.hmslegal.com)

June 22, 2016

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor (filing room)  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission, et al. v. Metropolitan Edison Company  
Docket No. R-2016-2537349  
  
Pennsylvania Public Utility Commission, et al. v. Pennsylvania Electric Company  
Docket No. R-2016-2537352  
  
Pennsylvania Public Utility Commission, et al. v. Pennsylvania Power Company  
Docket No. R-2016-2537355  
  
Pennsylvania Public Utility Commission, et al. v. West Penn Power Company  
Docket No. R-2016-2537359

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

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission the Petition to Intervene of The Pennsylvania State University in the above-captioned dockets.<sup>2</sup> Copies have been served in accordance with the attached Certificate of Service.

---

<sup>2</sup> On June 22, 2016, Administrative Law Judge Mary D. Long (“ALJ”) issued an order consolidating the above rate cases under Docket No. R-2016-2537349.

Rosemary Chiavetta, Secretary  
June 22, 2016  
Page 2

Should you have any questions or comments, please feel free to contact me directly.

Very truly yours,



Thomas J. Sniscak  
Christopher M. Arfaa  
William E. Lehman

*Counsel for  
The Pennsylvania State University*

TJS/WEL/das  
Enclosures  
cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, et al.	:	
	:	
v.	:	Docket No. R-2016-2537349
	:	
Metropolitan Edison Company	:	
	:	
Pennsylvania Public Utility Commission, et al.	:	
	:	
v.	:	Docket No. R-2016-2537352
	:	
Pennsylvania Electric Company	:	
	:	
Pennsylvania Public Utility Commission, et al.	:	
	:	
v.	:	Docket No. R-2016-2537355
	:	
Pennsylvania Power Company	:	
	:	
Pennsylvania Public Utility Commission, et al.	:	
	:	
v.	:	Docket No. R-2016-2537359
	:	
West Penn Power Company	:	

---

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

---

NOW COMES The Pennsylvania State University (“PSU”), by and through its attorneys, Hawke McKeon & Sniscak LLP, and files this Petition to Intervene in the above-captioned consolidated proceedings before the Pennsylvania Public Utility Commission (the “Commission”). In support of its Petition, PSU avers as follows:

1. On April 28, 2016, Metropolitan Edison Company (Met-Ed), filed Supplement No. 23 to Met-Ed’s Tariff Electric – Pa. P.U.C. No. 52 proposing an annual increase in rates of

\$140.2 million (9.08%), with a proposed overall rate of return of 8.14% and an effective date of June 27, 2016.

2. On April 28, 2016, Pennsylvania Electric Company (“Penelec”), filed Supplement No. 23 to Penelec’s Tariff Electric – Pa. P.U.C. No. 81 proposing an annual increase in rates of \$158.8 million (10.94%), with a proposed overall rate of return of 8.58% and an effective date of June 27, 2016.

3. On April 28, 2016, Pennsylvania Power Company (“Penn Power”), filed Supplement No. 17 to Penn Power’s Tariff Electric – Pa. P.U.C. No. 36 proposing an annual increase in rates of \$42 million (8.43%), with a proposed overall rate of return of 8.7% and an effective date of June 27, 2016.

4. On April 28, 2016, West Penn Power Company (“West Penn”), filed Supplement No. 10 to West Penn’s Tariff Electric – Pa. P.U.C. No. 38 and Supplement No. 15 to West Penn’s Tariff Electric – Pa. P.U.C. No. 40, proposing an annual increase in rates of \$98.2 million (5.51%), with a proposed overall rate of return of 7.9% and an effective date of June 27, 2016.

5. On June 22, 2016, Administrative Law Judge Mary D. Long (the “ALJ”) issued an order setting a procedural schedule and also consolidating the above rate cases under Docket No. R-2016-2537349.

6. All correspondence and pleadings in this docket should be directed to PSU's counsel in this matter:

Thomas J. Sniscak, Esquire  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
717-236-1300  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

7. Counsel for PSU also requests that any electronic service list utilized by the parties in this proceeding include Thomas J. Sniscak ([tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)), Christopher M. Arfaa ([cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)) and William E. Lehman ([welehman@hmslegal.com](mailto:welehman@hmslegal.com)). PSU is willing to extend the same courtesy upon request of any other party for any e-mails or electronic service to the parties.

8. Eligibility to intervene in Commission proceedings is governed by the Commission's regulations found at 52 Pa. Code § 5.72. In order to be eligible to intervene, a party must have "a right or interest" sufficient to warrant intervention, which includes an interest that may be directly affected by the proceeding and which is not being adequately represented by existing participants, and where the petitioner may be bound by the actions of the Commission or where the right or interest is otherwise in the public interest. *Id.*

9. PSU has such an interest. PSU is a customer of Met-Ed, Penelec, Penn Power and West Penn (together, the "FirstEnergy Companies"). PSU is a major customer of West Penn at its University Park campus, receiving service through West Penn's Tariff 38. PSU is the only customer taking service under Tariff 38. PSU also receives generation, transmission and distribution service from West Penn under rate schedules other than Tariff 38 for approximately 100 additional accounts at the University Park campus including the airport and campuses at New Kensington, Fayette and Mont Alto.

10. As a large customer, PSU will be substantially and directly affected by any decision, final order, or settlement in this matter and will be bound thereby. PSU is continuing to review the filings to determine if it is reasonable, appropriate and consistent with statutory requirements and regulatory principles. Moreover, PSU has an interest in any changes or modifications to the filing that may be proposed by parties other than First Energy.

11. At this juncture, PSU does not anticipate filing direct testimony; however, should any intervenor submit testimony or exhibits adversely impacting PSU's interests, PSU may contest the admissibility of such testimony and exhibits and/or submit rebuttal (or surrebuttal) testimony in response thereto. Should PSU decide to file testimony, its witness will be James L. Crist. Mr. Crist's address, telephone number and email address are:

James L. Crist  
Lumen Group, Inc.  
4226 Yarmouth Drive, Suite 101  
Allison Park, PA 15101  
(412) 487-9708  
JLCrist@aol.com

12. PSU's Petition has been filed within the time permitted by 52 Pa. Code § 5.74.<sup>1</sup> Moreover, PSU's intervention at this stage will not delay or cause prejudice to any current party to this proceeding as PSU will take the proceeding as it stands and accepts the schedule and procedural rules set forth in the Scheduling Order issued on June 22, 2016 by ALJ Long.

13. Counsel for the FirstEnergy Companies has authorized PSU to represent that the FirstEnergy Companies do not oppose PSU's Petition to Intervene.

14. For the reasons stated above, PSU's intervention in this matter meets the intervention standards of 52 Pa. Code § 5.72, and is otherwise in the public interest.

---

<sup>1</sup> 52 Pa. Code § 5.74(b) requires petitions to intervene to be filed no later than the date set for responsive pleadings in an order or notice with respect to the proceedings, the date set for filing protests as published in the Pa Bulletin, or in accordance with § 5.53 if no deadline is set in an order or notice with respect to the proceedings. (52 Pa. Code § 5.53, which relates to protests to applications, requires protests to be filed within 60 days.) No date has been set for responsive pleadings has been set by order, notice or publication with respect to these proceedings. Therefore, petitions for intervention must be filed within 60 days of the rate filings in these proceedings. (See 52 Pa. Code § 5.74(b)(3) (incorporating deadline set forth in § 5.53); *id.* § 5.53 (if no time for the filing of protests is specified in the published notice of an application, protests must be filed within 60 days of publication of the notice).) The proposed rate increases in these proceedings were filed on April 28, 2016. Therefore, petitions to intervene must be filed no later than June 27, 2016.

Accordingly, PSU requests that this intervention be granted and that it be allowed full party status in this matter.

WHEREFORE, The Pennsylvania State University respectfully requests that the Pennsylvania Public Utility Commission permit it to intervene and grant it party status in the above-captioned matters.



---

Thomas J. Sniscak, Attorney I.D. # 33891  
Christopher M. Arfaa, Attorney I.D. #57047  
William E. Lehman, Attorney I.D. #83936  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
Harrisburg, PA 17101  
E-mail: [tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
E-mail: [cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)  
E-mail: [welehman@hmslegal.com](mailto:welehman@hmslegal.com)  
Telephone: (717) 236-1300  
Facsimile: (717) 236-4841

*Counsel for  
The Pennsylvania State University*

Dated: June 22, 2016

## VERIFICATION

I, Robert E. Cooper, Director, Energy and Engineering, The Penn 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).



---

Robert E. Cooper, Director  
Energy and Engineering  
The Penn State University



## 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).

### VIA ELECTRONIC AND FIRST CLASS U.S. MAIL

Tori L Giesler Esquire  
FirstEnergy  
2800 Pottsville Pike  
PO Box 16001  
Reading PA 19612-6001  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

*Representing Metropolitan Edison Company,  
Pennsylvania Electric Company, Pennsylvania  
Power Company, and West Penn Power  
Company*

Thomas P Gadsden Esquire  
Anthony C Decusatis Esquire  
Catherine G Vasudevan Esquire  
Brooke E McGlinn Esquire  
Morgan Lewis & Bockius LLP  
1701 Market Street  
Philadelphia PA 19103-2921  
[thomas.gadsden@morganlewis.com](mailto:thomas.gadsden@morganlewis.com)  
[anthony.decusatis@morganlewis.com](mailto:anthony.decusatis@morganlewis.com)  
[Catherine.vasudevan@morganlewis.com](mailto:Catherine.vasudevan@morganlewis.com)  
[Brooke.mcglinn@morganlewis.com](mailto:Brooke.mcglinn@morganlewis.com)

*Representing Metropolitan Edison Company,  
Pennsylvania Electric Company, Pennsylvania  
Power Company, and West Penn Power  
Company*

Daniel G Asmus Esquire  
Office of Small Business Advocate  
300 North Second Street Suite 202  
Harrisburg PA 17101  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

*Representing Office of Small Business Advocate*

Allison C Kaster Esquire  
Gina L. Lauffer Esquire  
Bureau of Investigation and Enforcement  
Second Floor West  
400 North Street  
Harrisburg PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)  
[ginlauffer@pa.gov](mailto:ginlauffer@pa.gov)

Charis Mincavage Esquire  
Vasiliki Karandrikas Esquire  
Kenneth Stark Esquire  
Alessandra L. Hylander Esquire  
McNees Wallace & Nurick  
100 Pine Street  
PO Box 1166  
Harrisburg PA 17108  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[vkandrikas@mcneeslaw.com](mailto:vkandrikas@mcneeslaw.com)  
[kstark@mcneeslaw.com](mailto:kstark@mcneeslaw.com)  
[ahylander@mcneeslaw.com](mailto:ahylander@mcneeslaw.com)

*Representing Met-Ed Industrial Users Group  
and Penelec Industrial Users Group*

Susan E Bruce Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
P O Box 1166  
Harrisburg PA 17108-1166  
[sbruce@mcneeslaw.com](mailto:sbruce@mcneeslaw.com)

*Representing West Penn Power Industrial  
Intervenors*

Scott J Rubin Esquire  
Law Office Of Scott J Rubin  
333 Oak Lane  
Bloomsburg PA 17815-2036  
[scott.j.rubin@gmail.com](mailto:scott.j.rubin@gmail.com)

*Intervenor Pennsylvania Electric Company  
Representing International Brotherhood of  
Electrical Workers, Local 459*

Darryl A Lawrence Esquire\*  
Lauren M Burge Esquire  
David T Evrard Esquire  
Candis A Tunilo Esquire  
Office of Consumer Advocate  
5th Floor Forum Place  
555 Walnut Street  
Harrisburg PA 17101-1923  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)  
[lburge@paoca.org](mailto:lburge@paoca.org)  
[devrard@paoca.org](mailto:devrard@paoca.org)  
[ctunilo@paoca.org](mailto:ctunilo@paoca.org)

George Jugovic, Jr. Esquire  
Citizens for Pennsylvania's Future  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222  
[jugovic@pennfuture.org](mailto:jugovic@pennfuture.org)

Joseph Otis Minott Esquire  
Logan Welde Esquire  
Clean Air Council  
135 S 19th Street  
Suite 300  
Philadelphia PA 19103  
[joe\\_minott@cleanair.org](mailto:joe_minott@cleanair.org)  
[lwelde@cleanair.org](mailto:lwelde@cleanair.org)

*Representing Clean Air Council, Intervenor*

Derrick Price Williamson Esquire  
Barry A. Naum Esquire  
Spilman Thomas & Battle PLLC  
1100 Bent Creek Boulevard, Suite 101  
Mechanicsburg, PA 17050  
[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[bnaum@spilmanlaw.com](mailto:bnaum@spilmanlaw.com)

*Representing Wal-Mart Stores East, LP and  
Sam's East, Inc.*

Joline Price Esquire  
Elizabeth R. Marx Esquire  
Patrick M. Cicero Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[pulp@palegalaid.net](mailto:pulp@palegalaid.net)



---

Thomas J. Sniscak  
Christopher M. Arfaa  
William E. Lehman

Dated this 22<sup>nd</sup> day of June, 2016