



LEGAL SERVICES

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VIA U.P.S. NEXT DAY

March 27, 2009


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

**Re: Leslie S. Molinaro v. West Penn Power Company
Complaint Docket No. C-2009-2087011
and
Michael & Teresa Peluso v. West Penn Power Company
Complaint Docket No. C-2009-2089003**

Dear Secretary McNulty:

Enclosed is the original of the **Motion of West Penn Power Company d/b/a Allegheny Power for Consolidation of Complaints** in the above-captioned proceedings with certificate of service attached. This filing is also made electronically. This Answer is filed by UPS Next Day and electronically and is deemed filed today. A copy has been served on the Office of Administrative Law Judge and the Presiding Administrative Law Judge.

Very truly yours,


John L. Munsch
Attorney

JLM:sac

Enclosures

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LESLIE S. MOLINARO	:	
Complainant,	:	
	:	
v.	:	Complaint Docket No. C-2009-2087011
	:	
WEST PENN POWER COMPANY,	:	
Respondent.	:	
	:	
MICHAEL & TERESA PELUSO	:	
Complainant,	:	
	:	
v.	:	Complaint Docket No. C-2009-2089003
	:	
WEST PENN POWER COMPANY,	:	
Respondent.	:	

**MOTION OF WEST PENN POWER COMPANY D/B/A ALLEGHENY POWER
FOR CONSOLIDATION OF COMPLAINTS**

NOW comes West Penn Power Company d/b/a Allegheny Power ("Allegheny Power" or "Company") and, pursuant to Section 5.81 of the Rules and Regulations of the Pennsylvania Public Utility Commission ("Commission"), 52 Pa. Code §5.81, requests that the Commission's Office of Administrative Law Judge consolidate the above-captioned proceedings. The two Complaints involve the same electrical outage on an Allegheny Power distribution circuit caused by an automobile accident on July 3, 2008. Consolidation of the Complaints is warranted and in the public interest because the complaints involve the same questions of fact and law and consolidation will avoid unnecessary expense and delay. In support of its Motion, the Company respectfully submits:

1. Complainant Leslie S. Molinaro filed her formal complaint on or about January 20, 2009. She alleged that on July 3, 2008, an individual damaged a utility pole in South Fayette Township, causing an electrical surge that damaged her appliances. Allegheny Power filed an Answer on February 5, 2009, denying that its service or facilities were inadequate and stating further that the Commission does not have authority to award damages. The Molinaro Complaint is scheduled for a hearing Tuesday, April 14, 2009, at 10 a.m. at the Pittsburgh State Office building before Administrative Law Judge Michael A. Nemec.

2. Michael and Teresa Peluso filed their formal complaint on or about February 9, 2009. They allege that as a result of a car striking a utility pole on July 3, 2008, an electrical surge occurred that damaged their appliances. Allegheny Power filed an Answer on February 25, 2009, denying that its electrical facilities were inadequate and stating further that the Commission does not have authority to award monetary damages. The case was referred to Commission Mediator Herbert R. Nurick. Allegheny Power held a settlement conference with Complainants, Michael and Teresa Peluso, in accordance with the Interim Order of the Office of Administrative Law Judge dated March 4, 2009. The settlement conference was not productive, and Allegheny Power has so informed Mediator Nurick. A hearing has not been scheduled.

3. After investigating the Complaints, it is clear to Allegheny Power that both the Peluso Complaint and the Molinaro Complaint entail the same vehicle accident on July 3, 2008, that severed an Allegheny Power utility pole and, assuming the Complainants' description of events to be correct, caused appliance damage in the Complainants' homes.

4. Consolidation of the Complaints involving the same facts and law will reduce unnecessary expense and delay and is consistent with the policy of Section 5.81 of the Commission's rules and regulations.

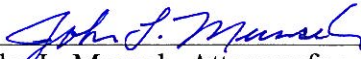
WHEREFORE, West Penn Power Company respectfully requests that the Public Utility Commission or Office of Administrative Law Judge:

- a. postpone the hearing scheduled for April 14, 2009, at 10 a.m. in the matter of Leslie S. Molinaro at Docket C-2009-2087011,
- b. consolidate the Complaints of Leslie Molinaro v. West Penn Power Company, Docket No. C-2009-2087011 and the Complaint of Michael & Teresa Peluso v. West Penn Power Company, Docket No. C-2009-2089003, and
- c. schedule a combined hearing at a time and place as appropriate.

Respectfully submitted,

Date: March 27, 2009

By:



John L. Munsch, Attorney for
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Pennsylvania Public Utility Commission;

**Re: Leslie S. Molinaro v. West Penn Power Company; Docket No. C-2009-2087011
and
Michael & Teresa Peluso v. West Penn Power Company; Docket No.
C-2009-2089003**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served by first-class mail, postage prepaid, the foregoing **Motion of West Penn Power Company d/b/a Allegheny Power for Consolidation of Complaints** addressed as follows:

Chief Administrative Law Judge Veronica A. Smith
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120


Administrative Law Judge Michael A. Nemecek
1103 Pittsburgh State Office Building
300 Liberty Ave.
Pittsburgh, PA 15222

Mediator Herbert R. Nurick
PO Box 3265
Harrisburg, PA 17105-3265

Leslie S. Molinaro
504 Gene Drive
McDonald, PA 15057

Michael & Teresa Peluso
211 Ruth Way
McDonald, PA 15057

Date: March 27, 2009



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