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November 9, 2009

**VIA HAND DELIVERY**

Secretary James J. McNulty  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Re: Petition of Duquesne Light Company for Approval of Default Service Plan for the  
Period January 1, 2011 through May 31, 2013 Docket No. P-2009-2135500.

Dear Secretary McNulty:

Enclosed is an original Petition to Intervene, on behalf of FirstEnergy Solutions in the  
above subject matter. Copies have been served in accordance with the attached Certificate of  
Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE

  
Judith D. Cassel

JDC:kdd  
Enclosure

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF DUQUESNE LIGHT COMPANY :  
FOR APPROVAL OF DEFAULT SERVICE :  
PLAN FOR THE PERIOD JANUARY 1, 2011 : Docket No. P-2009-2135500  
THROUGH MAY 31, 2013 :

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PETITION TO INTERVENE OF  
FIRSTENERGY SOLUTIONS CORP.

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AND NOW, comes FirstEnergy Solutions Corp., (“FES”) by and through its counsel, Stevens & Lee, and hereby files this Petition to Intervene in the above-captioned matter pursuant to 52 Pa. Code §§ 5.71 – 5.76. In support of its Petition to Intervene, FES states the following:

1. On or about October 9, 2009, Duquesne Light Company (“DQE”) filed the above-captioned Petition, with the Pennsylvania Public Utility Commission (“PUC” or “Commission”) seeking approval for a Default Service Plan (“POLR Plan”) for the period from January 1, 2011 through May 31, 2013. The POLR Plan, if implemented as proposed, will have a direct effect on the retail rates charged by DQE to its customers, and will also impact the offers made by retail suppliers, such as FES.

2. FES is a subsidiary of FirstEnergy Corp., a diversified energy services holding company headquartered in Akron, Ohio. FES provides wholesale and retail energy and related products to customers located primarily in the Mid-Atlantic and Midwest regions of the United States.

3. The principal place of business of FES is:

FirstEnergy Solutions Corp.  
341 White Pond  
Akron, OH 44320

4. FES is a licensed electric generation supplier (“EGS”) in the Commonwealth of Pennsylvania, pursuant to 66 Pa. C.S. § 2809, having been authorized at Docket No. A-110078 to serve retail customers throughout Pennsylvania, including the service territory of DQE.

5. Intervention in Commission proceedings is governed by the Commission’s regulation at 52 Pa. Code § 5.72, which provides, in pertinent part, that a person is eligible to intervene upon a showing that it has an interest in the matter “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding” or such other interest as to which participation “may be in the public interest.”

6. As a licensed EGS that is currently providing service in the DQE service territory, FES has an interest in the above-captioned proceeding that will be directly affected and which cannot be adequately represented by any other participant, and as to which FES may be bound by the action of the Commission in this proceeding.

7. FES is represented by the following counsel in this matter:

Renardo L. Hicks (PA Attorney ID No. 40404)  
Judith D. Cassel (PA Attorney ID No. 209393)  
Michael A. Gruin (PA Attorney ID. No. 78625)  
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FES' counsel is authorized to accept service on behalf of FES in this proceeding. FES requests that the Commission and all parties of record serve the above-listed counsel with copies of all documents, including all discovery requests and answers, correspondence, Commission Orders and any other documents issued in the above-captioned matter.

8. FES has concerns regarding DQE's filing in this matter and the possible implementation of a Commission Order. FES is concerned that the proposed procurement of power for the residential customer class is not a competitive process and therefore, the fixed price being paid by DQE residential customers may be higher than the market price.

9. FES also has concerns regarding the load cap for small and medium commercial full requirements that are restricted to 50% for any one supplier. Other Pennsylvania companies have higher load caps of 75 -85%, with some having no load caps. An EGS should not be penalized for being able to serve more of the load at an advantageous customer price.

10. FES also intends to raise concerns about the third party SCI procurement process. Assurances need to be in place that the 3<sup>rd</sup> party will be a neutral party.

11. FES also intends to raise any other issues that become apparent during the course of this proceeding.

12. The public interest demands that FES be afforded the opportunity to be heard in this proceeding. 52 Pa. Code § 5.72(a)(3).

WHEREFORE, FES respectfully requests that its Petition to Intervene in the above-captioned proceeding be granted and that it be allowed full party status in this matter.

Respectfully submitted,



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Counsel for FirstEnergy Solutions Corp.

Dated: November 9, 2009

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

### VIA FIRST CLASS MAIL

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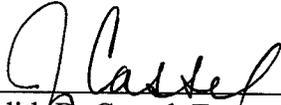
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Date: November 9, 2009

  
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Judith D. Cassel, Esq.