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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

May 14, 2010

Docket No. M-2009-2123951

**TO ALL PARTIES:**

**Re: Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology and Installation Plan,**

**Docket No. M-2009-2123951; Petition to Stay the Exceptions Period**

To All Active Parties:

On May 13, 2010, West Penn Power Company d/b/a Allegheny Power (West Penn) filed a Petition to Stay the Exceptions Period in this proceeding. Exceptions in this case are due May 26, 2010, with Reply Exceptions due June 7, 2010. West Penn is also seeking expedited consideration of its Petition to Stay and has requested that the Answer period for the Petition to Stay be shortened to May 18, 2010.

Ordinarily, it would not be possible to grant West Penn’s request for expedited consideration without violating the due process rights of the other Parties to this proceeding.

The Commission’s regulation at 52 Pa. Code § 5.572(e) states, in pertinent part:

**§ 5.572. Petitions for relief.**

 (a)  Petitions for rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like must be in writing and specify, in numbered paragraphs, the findings or orders involved, and the points relied upon by petitioner, with appropriate record references and specific requests for the findings or orders desired.

\* \* \*

 (e)  Answers to a petition covered by subsection (a) shall be filed and served within 10 days after service of a petition.

Answers to West Penn’s Petition are not due until May 24, 2010. Thus, the Commission normally would not act on West Penn’s Petition until the Parties to this proceeding have had the requisite ten (10) days in which to file an Answer to the Petition. *See*, 52 Pa. Code § 1.11 and §1.56, Date of Filing and Date of Service, respectively.

However, the Commission’s regulation at 52 Pa. Code § 5.61(a) states, in pertinent part:

#### § 5.61. Answers to complaints, petitions, motions and preliminary objections.

 (a)  *Time for filing*. Unless a different time is prescribed by statute, the Commission, or the presiding officer, answers to complaints and petitions shall be filed with the Commission within 20 days after the date of service.

West Penn has averred that a Stay of the exception period in this matter is necessary and appropriate so that the Parties may consider the impact on West Penn’s proposed Smart Meter Technology Procurement and Installation Plan (SMIP) given the proposed merger of Allegheny Power and its affiliates (including West Penn) into FirstEnergy Corporation. Without commenting on the merits of West Penn’s Petition to Stay, the SMIP, or the underlying proposed merger, it is clear that time is of the essence in this matter. The Commission will, therefore, exercise its authority under 52 Pa. Code § 5.61(a) to shorten the time for the filing of Answers to West Penn’s Petition to May 18, 2010.



Sincerely

Rosemary Chiavetta

Secretary