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

May 21, 2010

 Docket No. P-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 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.

 On May 14, 2010, this Office issued a letter advising the Parties that the Answer period to the Petition to Stay would be shortened to May 18, 2010.

 On May 18, 2010, the Pennsylvania Office of Small Business Advocate (OSBA) filed an Answer opposing the West Penn Petition. The Pennsylvania Office of Consumer Advocate (OCA) filed a letter supporting the West Penn Petition. No other Party filed an Answer to the Petition.

 Without commenting on the merits of West Penn’s Petition to Stay, the Answer of the OSBA, 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 § 1.2(a) and (c) and 52 Pa. Code § 5.533(a) to stay the filing of Exceptions in this matter until the Commission has had an opportunity to consider the Petition to Stay of West Penn Power Company filed May 13, 2010, and the Answer thereto filed by the Pennsylvania Office of Small Business Advocate, at a June, 2010, public meeting.



 Sincerely

 Rosemary Chiavetta

 Secretary