



Pennsylvania Department of Environmental Protection

OFFICE OF CHIEF COUNSEL
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June 14, 2010

Bureau of Regulatory Counsel

Telephone 717-787-7060

Honorable Rosemary Chiavetta, Secretary
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Joint Application of West Penn Power Company, D/B/A Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corporation for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code Approving a Change of Control of West Penn Power Company and Trans-Allegheny Interstate Line Company
PUC Docket No. A-2010-2176520
A-2010-2176732

Dear Secretary Chiavetta:

In accordance with the Public Utility Commission's Rules of Practice and Procedure at 52 Pa. Code § 1.59, please find for filing an original copy of the Commonwealth of Pennsylvania, Department of Environmental Protection's Petition to Intervene in the above referenced matter. The Department's Petition was filed electronically on this date and served on the parties of record per the Certificate of Service.

Thank you for your assistance.

Sincerely,

Kurt E. Klappowski
Assistant Counsel

cc: Certificate of Service
Honorable Wayne Weismandel, PUC ALJ
Honorable Mary D. Long, PUC ALJ

enclosure



**COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PUBLIC UTILITY COMMISSION**

JOINT APPLICATION OF WEST	:	
PENN POWER COMPANY, D/B/A	:	
ALLEGHENY POWER, TRANS-	:	
ALLEGHENY INTERSTATE LINE	:	
COMPANY AND FIRSTENERGY	:	
CORPORATION FOR A	:	
CERTIFICATE OF PUBLIC	:	Docket No. A-2010-2176520
CONVENIENCE UNDER SECTION	:	A-2010-2176732
1102(A)(3) OF THE PUBLIC UTILITY	:	
CODE APPROVING A CHANGE	:	
OF CONTROL OF WEST PENN	:	
POWER COMPANY AND TRANS-	:	
ALLEGHENY INTERSTATE	:	
LINE COMPANY	:	

**PETITION TO INTERVENE OF THE DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

The Commonwealth of Pennsylvania, Department of Environmental Protection (the "Department") files this Petition to Intervene in the above referenced matter, pursuant to 52 Pa. Code §§ 5.71 and 5.72, and requests that the Public Utility Commission (the "Commission") grant its Petition to Intervene in the Joint Application of West Penn Power Company, d/b/a Allegheny Power ("West Penn"), Trans-Allegheny Interstate Line Company ("Trans-Allegheny") and FirstEnergy Corporation (collectively, the "Utility Applicants") for a certificate of public convenience under section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn and Trans-Allegheny ("Joint Application"). In support of its Petition, the Department avers as follows:

1. On or about May 14, 2010, the Utility Applicants filed their Joint Application with the Commission.

2. The Utility Applicants filed their Joint Application to obtain the approval of the Commission, under Chapters 11 and 28 of the Public Utility Code for a change of control of West Penn and Trans-Allegheny to be effected by the merger of Allegheny Energy, Inc. with Element Merger Sub., Inc., a wholly owned subsidiary of FirstEnergy Corporation. In addition, the Joint Applicants request approval of the Commission, under Chapter 21 of the Public Utility Code, for certain revisions to affiliated interest arrangements that are designed to facilitate the sharing of services between the Allegheny Energy, Inc., and FirstEnergy Corporation systems.

3. The Commission published public notice of the Joint Application in the *Pennsylvania Bulletin* on May 28, 2010, 40 Pa.B. 2843. The Notice states that formal protests and petitions to intervene must be filed with the Commission on or before June 14, 2010.

4. The Department is an agency of the Commonwealth, and it is entitled to intervene as of right under 52 Pa. Code § 5.72(b).

5. The Department administers several environmental protection and energy related programs established by state law that provide the Department with interests that may be directly affected and are not adequately represented by existing participants, and as to which the Department may be bound by the action of the Commission in the proceeding. 52 Pa.Code § 5.72(a)(2).

6. The Department administers several environmental protection and energy related programs established by state law that provide the Department with interests of such nature that participation of the Department is in the public interest. 52 Pa.Code § 5.72(a)(3).

7. The Department has the powers and duties of the Pennsylvania Energy Office and the Department performs and administers the functions of the Pennsylvania Energy Office. 71 P.S. § 1340.508(d). The Department has the powers and duties previously vested in the

Governor's Energy Council by the Building Energy Conservation Act, 35 P.S. §§ 7201.101 *et seq.*, and the Energy Conservation and Assistance Act, 62 P.S. §§ 3011 *et seq.* 72 P.S. § 1340.508(a)-(b).

8. The Department administers several provisions of the Alternative Energy Investment Act ("AEPS") Act and is to work cooperatively with the Commission to monitor the performance of all aspects of AEPS. 73 P.S. § 1648.7(c). Current and future compliance with the AEPS requirements by the Joint Applicants will be an issue in this proceeding.

9. The Department is also responsible for the management of the Pennsylvania Energy Development Agency, which, *inter alia*, provides financial support to promote clean, advanced indigenous energy resources in the Commonwealth. 71 P.S. §§ 720.1 *et seq.*

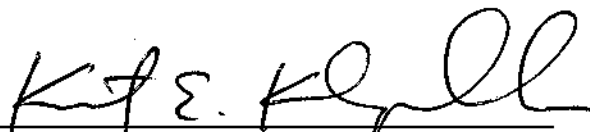
10. The Department administers several provisions of the Alternative Energy Investment Act, intended to increase the Commonwealth's energy independence while providing support to residential and small business utility customers to reduce energy consumption. 73 P.S. § 1649.101 *et seq.*

11. The Department is actively participating in PUC proceedings related to the Utility Applicants' plans for Energy Efficiency and Conservation (66 Pa.C.S. § 2806.1) and Smart Meter Procurement and Installation (66 Pa.C.S. § 2807). The Department's interests in those proceedings may be potentially impacted by the resolution of the Joint Application.

12. The Department's interests will be directly affected by this proceeding but are not adequately represented by existing participants. Thus, intervention by the Department is necessary and appropriate under the Public Utility Code.

For the foregoing reasons, the Department requests that the Commission grant its Petition to Intervene in the above referenced Joint Application of Utility Applicants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt E. Klapkowski". The signature is written in a cursive style with a horizontal line underneath it.

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Dated: June 14, 2010

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BEFORE THE PUBLIC UTILITY COMMISSION**

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ALLEGHENY INTERSTATE	:	
LINE COMPANY	:	

VERIFICATION

I, Daniel W. Griffiths, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a 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).



Daniel W. Griffiths
Deputy Secretary for Energy and
Technology Development
Department of Environmental Protection

Dated: June 14, 2010

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ALLEGHENY INTERSTATE	:	
LINE COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Department's Petition to Intervene in the above-captioned matter, was served both by electronic and pre-paid, First Class United States mail, upon the following:

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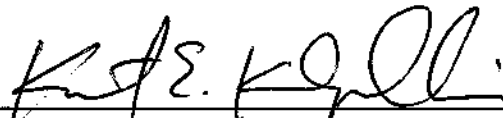
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