

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT APPLICATION OF WEST PENN	:	
POWER COMPANY (doing business as	:	
ALLEGHENY POWER and TRANS-	:	A-2010-2176520
ALLEGHENY INTERSTATE LINE	:	A-2010-2176532
COMPANY) and FIRSTENERGY CORP.,	:	
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.	:	

**MOTION FOR LEAVE TO DESIGNATE A WITNESS BY
CITIZENS FOR PENNSYLVANIA’S FUTURE**

Intervenor Citizens for Pennsylvania’s Future (“PennFuture”) hereby requests leave to designate Mark Sinclair as a witness in the above-captioned matter in place of Charles Kubert.

1. PennFuture identified Charles Kubert as a witness for this proceeding by letter dated July 30, 2010. On August 16, 2010, PennFuture submitted direct testimony by Mr. Kubert.

2. PennFuture recently learned that Mr. Kubert passed away on September 10, 2010. A copy of his notice of death from the Chicago Tribune of September 12, 2010 is attached as Exhibit 1 to this Motion.

3. The issues addressed in Mr. Kubert’s written direct testimony are relevant. Several parties have submitted rebuttal testimony regarding issues raised by Mr. Kubert’s written direct testimony.

4. By this motion, PennFuture seeks permission to designate Mark Sinclair to testify in place of Mr. Kubert. Mr. Sinclair will sponsor Mr. Kubert’s written direct testimony, offer

surrebuttal testimony in his own name, and be available for cross-examination on both Mr. Kubert's direct testimony and his own surrebuttal testimony.

5. Mr. Sinclair's qualifications are described in his C.V., which is attached to this Motion as Exhibit 2. Mr. Sinclair supervised Mr. Kubert at the Clean Energy Group, and is the co-author with Mr. Kubert of "Distributed Renewable Energy Finance and Policy Toolkit", as described on Mr. Sinclair's C.V.

6. By order dated August 23, 2010, the Presiding Officers allowed the Pennsylvania Department of Environmental Protection ("DEP"), another Intervenor to designate a witness after the deadline set in the Scheduling and Briefing Order, where DEP established good cause for the designation and where no harm would result to another party as a result of DEP's untimely witness designation.

7. Mr. Kubert's death is good cause for allowing PennFuture to designate another witness to discuss the issues raised in Mr. Kubert's direct testimony, and offer surrebuttal testimony on those issues.

8. No party will be harmed if PennFuture is allowed to designate Mr. Sinclair as a witness. PennFuture does not seek to amend the direct testimony of Mr. Kubert, and the substantive issues addressed by his testimony therefore will not change. Mr. Sinclair will be available for cross-examination by all parties. Any party may still take discovery regarding Mr. Kubert's testimony, Mr. Sinclair's qualifications, or Mr. Sinclair's surrebuttal testimony.

WHEREFORE, PennFuture respectfully requests leave to designate Mark Sinclair as a witness in this proceeding in place of Charles Kubert.

Respectfully submitted,

/s/

John K. Baillie, Esq.

PA ID # 66903

Citizens for Pennsylvania's Future

425 Sixth Avenue, Suite 2770

Pittsburgh, PA 15219

(412) 258-6684

baillie@pennfuture.org

Attorney for Intervenor Citizens for
Pennsylvania's Future

Exhibit 1

Charlie Nathan Kubert(1959-2010)

Charles Kubert, age 51, an environmentalist, outdoor enthusiast, athlete and community leader, died peacefully in Chicago on Friday, September 10th, surrounded by his loving family. Charlie is survived by his wife, Karen J. Muchin, and daughters, Jessica Ruth and Abigail Flora. He was the devoted son of Judith K. Kubert and the late Joseph M. Kubert, brother of David Kubert (Peggy), Anne Kubert Nathan (Richard), son-in-law of Allan and Elaine Muchin, brother-in-law of Andrea Muchin Leon (Mike) and Margie Muchin Goldblatt (Tom); fond uncle of Joseph, Jonathan and Kate Kubert; Andrew, Tommy and Will Nathan; Jeremy and Meredith Leon; and Andrew, Elizabeth and Daniel Goldblatt. Memorial Services will be held at Anshe Emet Temple in Chicago at 2 p.m. on Sunday September 12. In lieu of flowers, please send contributions to the Charles N. Kubert Memorial Funds at Williams College or the Sierra Club-Illinois Chapter.

Published in Chicago Tribune on September 12, 2010

Exhibit 2

Mark Sinclair

Clean Energy States Alliance/Clean Energy Group
50 State Street
Montpelier, Vermont 05602
802 223-2554 (work); 802 272-8038 (cell)
Email: msinclair@cleanegroup.org

SUMMARY

A results-driven executive with more than 25 years of experience in energy and environmental policy and law, partnership and network building, and development and implementation of solutions to address environmental conflicts, clean energy technology deployment challenges and climate mitigation.

EXPERIENCE

CLEAN ENERGY STATES ALLIANCE/CLEAN ENERGY GROUP, Montpelier, VT

Executive Director/Vice President 2005-present

- Executive Director of the Clean Energy States Alliance, a nonprofit organization representing a multi-state coalition of state clean energy programs working together to advance clean energy technologies and investment.
- Vice President of the Clean Energy Group, a nonprofit organization working to address climate change and increase the use of cleaner energy technologies in the U.S. and abroad through creative financing, partnerships, public policy and advocacy.
- Facilitate and manage policy dialogues, negotiations, collaboratives, and projects to assist state and federal agencies, industry, and nongovernmental organizations to identify and implement best practices, programs and policies to advance clean energy technologies.

CONSERVATION LAW FOUNDATION, Montpelier, VT

Vice President/Vermont Center Director 1998-2005; Staff Attorney 1991-1997

Attorney with New England's oldest environmental advocacy organization. Responsibilities included directing daily operations of Vermont Advocacy Center; leading legal case work; developing organization's environmental & energy policy; advocating strategies to address environmental issues; leading fund-raising activities; and participating on organization's management team. Areas of advocacy included watershed restoration, transportation reform, smart growth, clean air & water regulation, energy policy and national forest management.

VERMONT AGENCY OF NATURAL RESOURCES, Waterbury, VT

General Counsel 1997-1998; 1990-1991

Lead counsel to Agency Secretary. Supervised legal staff of 12 in all areas of environmental law, policy and general law. Represented the Agency in legislative, administrative and judicial proceedings. Managed state's environmental enforcement program.

VERMONT AGENCY OF NATURAL RESOURCES, Waterbury, VT

Staff Attorney 1988-1990

Represented state environmental agency in judicial and administrative proceedings relating to implementation of state land use regulation. Advised Agency Secretary and staff on environmental, wildlife, and natural resource laws. Coordinated Agency review of major development proposals.

PAUL, FRANK & COLLINS, INC., Burlington, VT
Associate Attorney 1986-1988

General civil practice with emphasis in real estate, municipal and environmental law.

NATIONAL PARK SERVICE, Grand Canyon, AZ
District Ranger 1980-1983

Directed all visitor protection and resource management operations in the park's wilderness lands. Supervised ten field rangers.

NATIONAL PARK SERVICE, Yellowstone, Lassen, Redwood and Chaco Canyon Parks
Seasonal Park Ranger 1975-1980

Supervised and performed various park activities including law enforcement, emergency medicine, search and rescue, fire control, concession management, ecological research, archaeology and ski mountaineering.

EDUCATION

CORNELL LAW SCHOOL
J.D., *cum laude*, 1986

WILLIAMS COLLEGE
B.A. English and Economics, *magna cum laude*, 1975

SELECTED PUBLICATIONS

- *Distributed Renewable Energy Finance and Policy Toolkit* by Mark Sinclair & Charles Kubert (2009)
- *Smart Solar Marketing Strategies: Clean Energy State Program Guide* by Mark Sinclair & Lyn Rosoff (2009)
- *Clean Energy State Program Guide - Mainstreaming Solar Electricity: Strategies for States to Build Local Markets* by Mark Sinclair & Steve Weisman (2008)
- *State Strategies to Foster Solar Hot Water System Deployment*, by Mark Sinclair, CESA (2007)
- *Strategies to Foster Solar Energy and Advanced Efficiency in Affordable Multi-family Housing* by Mark Sinclair & Steve Weisman (2006)

PROFESSIONAL LICENSES

Admitted Vermont Bar
Federal District Court for Vermont
Vermont Supreme Court

BOARDS

Member, Waitsfield Development Review Board
Trustee, Vermont Public Interest Research Group
Trustee, National Offshore Wind Collaborative
Trustee, Vermont Clean Energy Development Fund
Trustee, National Wind Coordinating Collaborative
Trustee, Great Lakes Wind Collaborative
Steering Committee, Wind Powering America

CERTIFICATE OF SERVICE

I certify that on behalf of Citizens for Pennsylvania's Future, I served the foregoing Motion for Leave to Designate a Witness on all known parties of record in conformity with 52 Pa. Code § 1.54, by email and first class U.S. Mail, addressed as follows:

Thomas Gadsden, Esq.
Morgan, Lewis & Bockius
1701 Market Street
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com

Daniel Clearfield, Esq.
Eckert Seamans Cherin & Mellot LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
dclearfield@eckertseamans.com

Alan Seltzer, Esq.
Ryan Russell Ogden & Seltzer, PC
1150 Berkshire Blvd., Suite 210
Wyomissing, PA 19610-1208
aseltzer@ryanrussell.com

Derrick Price Williamson, Esq.
Spillman, Thomas & Battle
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spillmanlaw.com

Allison C. Kaster, Esq.
Office of Trial Staff
Pennsylvania Public Utility Comm'n
P.O. Box 3265
Harrisburg, PA 17105-3265
akaster@state.pa.us

Charles E. Thomas, Jr., Esq.
Thomas, Long, Niesen & Kennard
P.O. Box 9500
Harrisburg, PA 17108-9500
cthomas@thomaslonglaw.com

Darryl Lawrence, Esq.
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1923
dlawrence@paoca.org

Thomas T. Niesen, Esq.
Thomas, Long, Niesen & Kennard
P.O. Box 9500
Harrisburg, PA 17108-9500
tniesen@thomaslonglaw.com

Daniel G. Asmus, Esq.
Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, PA 17101
dasmus@state.pa.us

Regina L. Matz, Esq.
Thomas, Long, Niesen & Kennard
P.O. Box 9500
Harrisburg, PA 17108-9500
rmatz@thomaslonglaw.com

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815
Scott.j.rubin@gmail.com

Thomas J. Sniscak, Esq.
Hawke, McKeon & Sniscak LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
tjsniscak@hmslegal.com

Kurt E. Klapowski, Esq.
Commonwealth of Pennsylvania
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101-2301
kklapowsk@state.pa.us

Eric Paul Cheung, Esq.
Clean Air Council
135 S. 19th Street, Suite 300
Philadelphia, PA 19103
echeung@cleanair.org

Benjamin L. Willey, Esq.
Law Office of Benjamin L. Willey, LLC
7272 Wisconsin Ave., Suite 300
Bethesda, MD 20814
blw@bwilleylaw.com

Theodore S. Robinson, Esq.
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
robinson@citizenpower.com

Divesh Gupta, Esq.
Senior Counsel
Constellation Energy
111 Market Place, Suite 500
Baltimore, MD 21202
Divesh.gupta@constellation.com

Scott H. Strauss, Esq.
Spiegel & McDiarmid LLP
1333 New Hampshire Ave., NW
Washington, DC 20036
Scott.strauss@spiegelmcid.com

Susan E. Bruce, Esq.
McNees, Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
sbruce@mwn.com

Charis Mincavage, Esq.
Vasiliki Karandrikas, Esq.
McNees, Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
vkandrikas@mwn.com

/s/
John K. Baillie, Esq.

DATED: September 21, 2010