

Deanne M. O'Dell
717.255.3744
dodell@eckertseamans.com

September 27, 2010

Via Electronic Filing

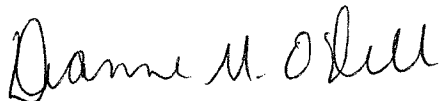
Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy 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, Docket Nos. A-2010-2176520 and A-2010-2176732

Dear Secretary Chiavetta:

On behalf of Direct Energy Services, LLC, enclosed for filing please find the original of Direct Energy's Motion Requesting Leave to Present an Additional Witness along with the electronic filing confirmation page. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,



Deanne M. O'Dell, Esq.

DMO/lww
Enclosure

cc: Hon. Wayne Weismandel, w/enc.
Hon. Mary Long, w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Direct Energy's Motion Requesting Leave to Present an Additional Witness upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email and/or First Class Mail

Randall B. Palmer, Esq.
Jennifer L. Petrisek, Esq.
Allegheny Energy, Inc.
800 Cabin Hill Dr.
Greensburg, PA 15601
rpalmer@alleghenyenergy.com
jpetrisek@alleghenyenergy.com

Wendy E. Stark, Esq.
Bradley A. Bingaman, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001
starkw@firstenergycorp.com

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

Thomas P. Gadsden, Esq.
Kenneth M. Kulak, Esq.
Morgan, Lewis & Bockius
1701 Market St.
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com
kkulak@morganlewis.com

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

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

Daniel Asmus, Esq.
Office of Small Business Advocate
1102 Commerce Building
300 N. Second St.
Harrisburg, PA 17101
dasmus@state.pa.us

Allison C. Kaster, Esq.
Carrie B. Wright, Esq.
Office of Trial Staff
PO Box 3265
Harrisburg, PA 17101-3265
akaster@state.pa.us
carwright@state.pa.us

Charis Mincavage, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com

Derrick Price Williamson, Esq.
Barry Naum, Esq. Spilman Thomas & Battle
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

Vasiliki Karandrikas, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
vkandrikas@mwn.com

Thomas J. Sniscak, Esq.
Hawke McKeon & Sniscak LLP
100 N. Tenth St.
PO Box 1778
Harrisburg, PA 17105
tjsniscak@hmslegal.com

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

Kurt E. Klapkowski, Esq.
Department of Environmental Protection
RCSOB, 9th Floor
400 Market St.
Harrisburg, PA 17101-2301
kklapkovsk@state.pa.us

Stephen H. Jordan, Esq.
Rothman Gordon, P.C.
Third Floor, Grant Building
310 Grant St.
Pittsburgh, PA 15219

Theodore Robinson, Esq.
Staff Attorney
Citizen Power
2121 Murray Ave.
Pittsburgh, PA 15217
robinson@citizenpower.com

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

Charles E. Thomas, Jr., Esq.
Thomas, Long, Niesen & Kennard
212 Locust St.
PO Box 9500
Harrisburg, PA 17108-9500
cthomas@thomaslonglaw.com

John K. Baillie, Esq.
Charles McPhedran, Esq.
Citizens for Pennsylvania's Future
425 Sixth Ave., Suite 2770
Pittsburgh, PA 15219
baillie@pennfuture.org
mcphehdran@pennfuture.org

Gary A. Jack, Esq.
Kelly L. Geer, Esq.
Duquesne Light Company
411 Seventh Ave., 16-4
Pittsburgh, PA 15219
gjack@duqlight.com
kgeer@duqlight.com

Thomas T. Niesen, Esq.
Thomas, Long, Niesen & Kennard
212 Locust St.
PO Box 9500
Harrisburg, PA 17108-9500
tniesen@thomaslonglaw.com

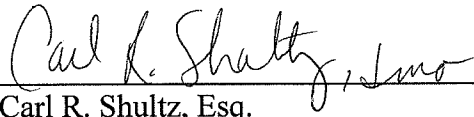
Regina L. Matz, Esq.
Thomas, Long, Niesen & Kennard
212 Locust St.
PO Box 9500
Harrisburg, PA 17108-9500
rmatz@thomaslonglaw.com

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

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

Eric P. Cheung, Esq.
Clean Air Council
135 S. 19th St., Suite 300
Philadelphia, PA 19103

Michael D. Fiorentino, Esq.
42 E. Second St., Suite 200
Media, PA 19063
mdfiorentino@gmail.com


Carl R. Shultz, Esq.

Dated: September 27, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power :
Company d/b/a Allegheny Power, Trans- : Docket No. A-2010-2176520
Allegheny Interstate Line Company and : Docket No. A-2010-2176732
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 :

**DIRECT ENERGY SERVICES, LLC'S
MOTION REQUESTING LEAVE TO PRESENT
AN ADDITIONAL WITNESS**

Pursuant to 52 Pa. Code § 5.103 and the Scheduling and Briefing Order of June 23, 2010, Direct Energy Services, LLC ("Direct Energy") hereby requests that Your Honors grant leave to Direct Energy to present the testimony of two additional witnesses, Jim Beckett and Chad Bohnert, for the reasons set forth as follows:

1. The June 23, 2010, Scheduling and Briefing Order in the above captioned matter ("Scheduling Order") stated that "on or before Friday, July 30, 2010, all parties and intervenors shall serve a list of witnesses they intend to have sponsor written testimony in the above-captioned case. Persons not identified by July 30, 2010, will not be allowed to appear as witnesses except for good cause."
2. Direct Energy is requesting leave to add as a witnesses (1) Jim Beckett, Independent Consultant formerly employed by ATCO Ltd.; and, (2) Chad Bohnert, Chief Marketing Officer at Zogby International. Each of these witnesses would provide surrebuttal testimony in direct response to issues raised in the rebuttal testimony of Michael Schnitzer (Joint Applicants St. 9-R) and Barbara Alexander (OCA St. 2-R) in opposition to Direct Energy's proposals in this matter.

3. Regarding the impact of Direct Energy's plan on consumers, Mr. Schnitzer testified that implementation of Direct Energy's proposal "could seriously harm Mass Market customers." Joint Applicants St. No. 9-R at 5. Similarly, Ms. Alexander testified that Direct Energy's proposal would lead to "confusion" and other "potential adverse consequences" and "potential risks" for consumers. OCA St. No 2-R at 4-5.

4. Regarding the mechanics of how Direct Energy's proposal could be structured and implemented, Mr. Schnitzer makes the claim that "[m]ost jurisdictions, including Pennsylvania, continue to have the EDC function as the DSP." Joint Applicants St. No. 9-R. Similarly, Ms. Alexander claims that Direct Energy has not provided any "factual basis" to show that its plan "will either work as proposed or result in benefits to residential customers." OCA St. No. 2-R at 13.

5. All of these arguments were raised in rebuttal testimony filed on September 13, 2010, which was well after the July 30, 2010, deadline for designating witnesses. While Direct Energy may have been able to anticipate opposition to its proposal, Direct Energy could not have reasonably anticipated the precise arguments that have been made by Mr. Schnitzer and Ms. Alexander.

6. To respond to the rebuttal testimony of Mr. Schnitzer and Ms. Alexander, Direct Energy proposes to offer the testimony of Mr. Beckett and Mr. Bohnert. In their testimony, Direct Energy intends to submit evidence that directly refutes the assertions made by both Mr. Schnitzer and Ms. Alexander regarding how Direct Energy's proposal could work in fact and the effect of the proposal on consumers. Each of these witnesses have specific knowledge relevant to responding to the claims raised by Mr. Schnitzer and Ms. Alexander that cannot be offered by the other Direct Energy witnesses who have submitted testimony. By permitting the testimony

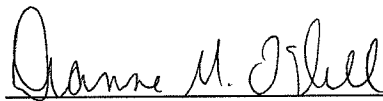
of these witnesses, the Commission will have a more full record upon which to consider the proposals of Direct Energy in this matter.

7. Further, both Mr. Beckett and Mr. Bohner will be available for cross-examination about their testimony thus other parties will not be harmed by permitting them to submit written testimony. On the other hand, not permitting the testimony will negatively impact the ability of Direct Energy to directly contest specific arguments raised in opposition to its proposal for the first time in rebuttal the precise nature of which it could not have reasonably anticipated sooner.

WHEREFORE, Direct Energy requests that Your Honors and the Pennsylvania Public Utility Commission:

- (1) grant this motion;
- (2) accept the identification of Jim Beckett, Independent Consultant and Chad Bohnert, Chief Marketing Officer at Zogby International as a witnesses for Direct Energy sponsoring surrebuttal testimony; and
- (3) grant any other relief deemed appropriate.

Respectfully submitted,



Daniel Clearfield, Esq.

Deanne M. O'Dell, Esq.

Carl Shultz, Esq.

Eckert Seamans Cherin & Mellott, LLC

213 Market St., 8th Floor

Harrisburg, PA 17101

717.237.7173

Dated: September 27, 2010