**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company :

d/b/a Allegheny Power for Approval of its :

Energy Efficiency and Conservation Plan, :

Approval of Recovery of Costs Through a : Docket No. M-2009-2093218

Reconcilable Adjustment Clause and :

Approval of Matters Relating to the Energy :

Efficiency and Conservation Plan :

**SECOND PREHEARING ORDER**

The purpose of this Order is to confirm certain agreements among the parties and related rulings made during the Prehearing Conference in this case on Tuesday, November 9, 2010.

First, the schedule of this expedited proceeding is driven by the Secretarial letter of November 4, 2010, which contains a directive that the Office of Administrative Law Judge (OALJ) is to file a Recommended Decision (RD) in this matter by December 20, 2010. A discussion was held, on the record, during which two of the parties specifically objected to the compressed schedule mandated by this due date. Both the Office of Small Business Advocate (OSBA) and the West Penn Power Industrial Intervenors (WPPII) objected to the compressed time frame in this proceeding on due process grounds. Their objection has been duly noted for the record, but we are bound to proceed as directed by the Commission in the November 4, 2010 Secretarial letter. To that end, the following schedule is adopted:

A. LITIGATION SCHEDULE

November 24, 2010 Intervenors’ written direct testimony served

December 1, 2010 All parties’ written rebuttal testimony served

December 3, 2010 Hearings in as yet to be assigned hearing room, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA

December 10, 2010 Main Briefs due, in-hand

All testimony and briefs shall be due on or before 4:00 p.m. on the dates listed above. Service on those due dates may be done electronically, so long as the hard copy arrives by first class mail as soon as possible thereafter.

The hearing of December 3, 2010, will convene at 10:00 a.m.

With respect to calculating response times:

1. Any document received on a Saturday, Sunday or holiday shall be treated as though it was received on the following Monday or the next business day; and

2. Any document due on a Saturday, Sunday or holiday shall be treated as though it was due on the following Monday or the next business day.

We will accept service electronically and ask that the documents be formatted in WORD and EXCEL. In the event that your office cannot provide the documents in WORD and EXCEL, please notify us what word processing or spreadsheet formats are used. Keep in mind that any document received electronically may not match the originals in size and page numbers because of differences created by printers and margins on page set ups.

B. DISCOVERY

It is expected that the parties will use their best efforts to respond to discovery and any appropriate motions at a pace faster than the Commission’s existing rules for rate cases. *See e.g.* 52 Pa. Code §5.342(d).

C. SERVICE LIST

The following attorneys have been designated to receive all documents:

John F. Povilaitis, Esq. West Penn Power Co. d/b/a Allegheny Power

[JPovilaitis@ryanrussell.com](mailto:JPovilaitis@ryanrussell.com)

Richard A. Kanaskie Esq. Office of Trial Staff

[rkanaskie@state.pa.us](mailto:rkanaskie@state.pa.us)

Tanya McCloskey, Esq. Office of Consumer Advocate

[tmmccloskey@paoca.org](mailto:tmmccloskey@paoca.org)

William R. Lloyd, Jr. Office of Small Business Advocate

[willloyd@state.pa.us](mailto:willloyd@state.pa.us)

Harry Geller, Esq. Pennsylvania Communities Organizing for Change

[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

C.J. Zwick, Esquire West Penn Power Industrial Intervenors

[czwick@mwn.com](mailto:czwick@mwn.com)

Kurt Klapkowski, Esquire PA Department of Environmental Protection

[kklapkowsk@state.pa.us](mailto:kklapkowsk@state.pa.us)

Thomas T. Niesen, Esquire The Pennsylvania State University

[thiesen@thomaslonglaw.com](mailto:thiesen@thomaslonglaw.com)

This list comprises the service list for this proceeding unless and until otherwise modified by further Order.

**ORDER**

THEREFORE,

IT IS ORDERED:

1. That all testimony and briefs shall be distributed and the hearings held in accordance with the schedule set forth above in Part A.

2. That the Commission’s rules of discovery are hereby modified in accordance with the revisions set forth above in Part B.

3. That the following individuals are designated to receive service of documents from the undersigned for their respective clients:

John F. Povilaitis, Esq. West Penn Power Co. d/b/a Allegheny Power

[JPovilaitis@ryanrussell.com](mailto:JPovilaitis@ryanrussell.com)

Richard A. Kanaskie Esq. Office of Trial Staff

[rkanaskie@state.pa.us](mailto:rkanaskie@state.pa.us)

Tanya McCloskey, Esq. Office of Consumer Advocate

[tmmccloskey@paoca.org](mailto:tmmccloskey@paoca.org)

William R. Lloyd, Jr. Office of Small Business Advocate

[willloyd@state.pa.us](mailto:willloyd@state.pa.us)

Harry Geller, Esq. Pennsylvania Communities Organizing for Change

[pulp@palegalaid.net](mailto:pulp@palegalaid.net)

C.J. Zwick, Esquire West Penn Power Industrial Intervenors

[czwick@mwn.com](mailto:czwick@mwn.com)

Kurt Klapkowski, Esquire PA Department of Environmental Protection

[kklapkowsk@state.pa.us](mailto:kklapkowsk@state.pa.us)

Thomas T. Niesen, Esquire The Pennsylvania State University

[thiesen@thomaslonglaw.com](mailto:thiesen@thomaslonglaw.com)

4. Any representatives of the above listed parties (in addition to those attorneys listed above) who wish to receive communications by e-mail from us shall provide their e‑mail addresses to us as soon as possible.

Date: November 9, 2010 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dennis J. Buckley

Administrative Law Judge

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Elizabeth H. Barnes

Administrative Law Judge

\_/s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mark A. Hoyer

Administrative Law Judge

**M-2009-2093218 - Petition of West Penn Power Company d/b/a Allegheny Power foR Approval of its Energy Efficiency and Conservation Plan Approval of Recovery of Costs through a Reconcilable Adjustment Clause and Approval of Matters Relating to the Energy Efficiency and v. Conservation Plan**

John F Povilaitis Esquire

Ryan Russell Ogden & Seltzer

Suite 101

800 North Third Street

Harrisburg PA 17102-2025

[jpovilaitis@ryanrussell.com](mailto:jpovilaitis@ryanrussell.com)

John L Munsch Esquire

West Penn Power Company

800 Cabin Hill Drive

Greensburg PA 15601-7737

[jmunsch@alleghenypower.com](mailto:jmunsch@alleghenypower.com)

Tanya J McCloskey Esquire

Christy M Appleby Esquire

Office of Consumer Advocate

5th Floor Forum Place

555 Walnut Street

Harrisburg PA 17101-1923

[cappleby@paoca.org](mailto:cappleby@paoca.org)

[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)

Lauren M Leposki Esquire

Office of Small Business Advocate

1102 Commerce Building

300 North Second Street

Harrisburg PA 17101

[llepkoski@state.pa.us](mailto:llepkoski@state.pa.us)

Richard A Kanaskie Esquire

Adelou A Bakare Esquire

PA PUC Office of Trial Staff

PO Box 3265

Harrisburg PA 17105-3265

[rkanaskie@state.pa.us](mailto:rkanaskie@state.pa.us)

[abakare@state.pa.us](mailto:abakare@state.pa.us)

Lillian S Harris Esquire

Thomas J Sniscak Esquire

Hawke McKeon & Sniscak LLP

100 North Tenth Street

PO Box 1778

Harrisburg PA 17105-1778

[lsharris@hmslegal.com](mailto:lsharris@hmslegal.com)

[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)

Mark C Morrow Essquire

UGI Utilities Inc

460 North Gulph Road

King of Prussia PA 19406

[morrowm@ugicorp.com](mailto:morrowm@ugicorp.com)

George Jugovic Esquire

Scott Perry Esquire

Aspassia V Staevska Esquire

Department of Environmental Protection

RCSOB 9th Floor

400 Market Street

Harrisburg PA 17101-2301

[gjugovic@state.pa.us](mailto:gjugovic@state.pa.us)

[scperry@state.pa.us](mailto:scperry@state.pa.us)

[astaevska@state.pa.us](mailto:astaevska@state.pa.us)

Derrick Price Williamson Esquire

Adam L Benshoff Esquire

Shelby a Linton-Keddie Esquire

McNees Wallace & Nurick

100 Pine Street

PO Box 1166

Harrisburg PA 17108-1166

[abenshoff@mwn.com](mailto:abenshoff@mwn.com)

[dwilliamson@mwn.com](mailto:dwilliamson@mwn.com)

Harry S Geller Esquire

John C Gerhard Esquire

Pennsylvania Utility Law Project

118 Locust Street

Harrisburg PA 17101-1414

[gjugovic@state.pa.us](mailto:gjugovic@state.pa.us)

Daniel Clearfield Esquire

Kevin J Moody Esquire

Eckert Seamans Cherin & Mellot LLC

213 Market Street

8th Floor

Harrisburg PA 17108-1248

[dclearfield@eckertseamans.com](mailto:dclearfield@eckertseamans.com)

[kmoody@eckertseamans.com](mailto:kmoody@eckertseamans.com)

Theodore J Gallagher Esquire

Nisource Corporate Services Company

501 Technology Drive

Canonsburg PA 15317

[tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

Jonathan P Nase Esquire

Kathryn G Sophy Esquire

PA Public utility Commission

Office of Special Assistants

PO Box 3265

Harrisburg PA 17105-3265

[jnase@state.pa.us](mailto:jnase@state.pa.us)

[ksophy@state.pa.us](mailto:ksophy@state.pa.us)

Thomas T Niesen Esquire

Charles E Thomas Jr. Esquire

Thomas Long Niesen & Kennard

212 Locust Street

Suite 500

PO Box 9500

Harrisburg PA 17108-9500

[tniesen@ttanlaw.com](mailto:tniesen@ttanlaw.com)

[cthomasjr@ttanlaw.com](mailto:cthomasjr@ttanlaw.com)

Christopher R Sharp Esquire

Christopher A Lewis Esquire

Blank Rome LLP

One Logan Square

Philadelphia PA 19103

[sharp@blankrome.com](mailto:sharp@blankrome.com)

[lewis@blankrome.com](mailto:lewis@blankrome.com)

Susan E Bruce

Vasilika Karandrikas Esquire

McNees Wallace & Nurick LLC

100 Pine Street

PO Box 166

Harrisburg PA 17108

[vkarandrikas@mwn.com](mailto:vkarandrikas@mwn.com)

Julie George Esquire

PA Utility Law Project

118 Locust Street

Harrisburg PA 17101-1414

[jgeorgepulp@palegalaid.net](mailto:jgeorgepulp@palegalaid.net)