



LAW OFFICES OF
BENJAMIN L. WILLEY, LLC

June 14, 2010

PA PUC
SECRETARY'S BUREAU

2010 JUN 14 PM 12: 20

RECEIVED

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Joint Application of West Penn Power Company *dba* 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 In Control of West Penn Power Company and Trans-Allegheny Interstate Line; Docket Nos.: A-2010-2176520 and A-2010-2176732

Dear Secretary Chiavetta:

Enclosed for filing in the proceedings captioned above are an original and three copies of the York County Solid Waste and Refuse Authority's *Prehearing Memorandum*. The enclosed pleadings have been served in accordance with the attached Certificate of Service.

One additional copy of the pleading is enclosed. Please date stamp the extra copy and return it to the courier for return to this office.

If you have any questions about this filing, please call me at 301-941-1972.

Sincerely,

Benjamin L. Willey

Encls:

Copy to:
David Vollero, Executive Director, YCSWA
Robert M. Strickler, Esq.

7272 WISCONSIN AVENUE, SUITE 300, BETHESDA, MD 20814
TELEPHONE: 301-941-1972 FACSIMILE: 301-656-0183 (OFFICE - GENERAL)
CELLULAR: 202-365-2713 FACSIMILE: 240-235-7775 (OFFICE - DIRECT)
EMAIL: BLW@BWILLEYLAW.COM

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power Company :
dba Allegheny Power, Trans-Allegheny Interstate :
Line Company and FirstEnergy Corp for a Certificate : Docket Nos. A-2010-2176520 and
of Public Convenience Under Section 1102(a)(3) : A-2010-2176732
of the Public Utility Code Approving a Change in :
Control of West Penn Power Company and :
Trans-Allegheny Interstate Line :

**PREHEARING MEMORANDUM OF THE
YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY**

Pursuant to Rules 5.103, 1.15(a)(1) and 5.222 of the Rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission, 52 Pa. Code §§ 5.222, and the Prehearing Conference Order entered by the Presiding Administrative Law Judge in these proceedings on May 24, 2010, the York County Solid Waste and Refuse Authority (“YCSWA”), by counsel, respectfully submits this Prehearing Memorandum in the matter captioned above.

I. RESPONSE TO PREHEARING ORDER

A. SERVICE LIST (PREHEARING ORDER, ¶3.a)

The YCSWA will be represented by Robert M. Strickler, Counsel of Record, and Benjamin L. Willey, Counsel *Pro Hac Vice*.¹ The YCSWA requests that only Mr. Willey’s name and contact information be included on the Service List for these proceedings as follows:

Benjamin L. Willey
Law Offices of Benjamin L. Willey, LLC
7272 Wisconsin Avenue
Suite 300
Bethesda, MD 20814
Telephone: 301-941-1972
Telefax: 240-235-7775
Email: blw@bwilleylaw.com

RECEIVED
2010 JUN 14 PM 12: 20
PA PUC
SECRETARY'S BUREAU

¹ Mr. Willey’s admission is subject to action on the YCSWA’s Motion for Admission *Pro Hac Vice*, which was filed on June 9, 2010, requesting admission of Benjamin L. Willey.

Without request for inclusion on the Service List, the YCSWA also requests that parties provide a courtesy electronic copy (no paper copies) of all communications, pleadings, discovery, and briefs in these consolidated proceedings to the following persons at the electronic mail addresses stated:

David Vollero
Executive Director, York County Solid Waste and Refuse Authority
Email: d.vollero@ycswa.com

Robert M. Strickler
Griffith, Strickler, Lerman, Solymos & Calkins
Counsel for the York County Solid Waste and Refuse Authority
Email: rstrickler@gslsc.com

Sally Patton
Law Offices of Benjamin L. Willey, LLC
Email: ssp@bwilleylaw.com

B. POSSIBILITY OF SETTLEMENT (PREHEARING ORDER, ¶3.b)

The YCSWA is willing to participate in settlement discussions with any or all parties either to narrow the issues to be presented at a hearing of these proceedings or to resolve all issues via a full settlement – subject to approval by the Commission.

C. PROPOSED PLAN AND SCHEDULE RE DISCOVERY (PREHEARING ORDER, ¶3.c)

The YCSWA will cooperate with the parties to develop a reasonable discovery plan and schedule that will allow the issues in these proceedings to be fully explored, developed, and addressed.

D. OTHER PROPOSED ORDERS RE DISCOVERY (Prehearing Order, ¶3.d)

At this time the YCSWA has no other proposed orders to present in regard to discovery. The YCSWA anticipates that the parties will discuss the need for a Protective Order, and, if

deemed necessary, the parties will jointly propose such an order, in form and substance, subject to consideration and adoption by the Presiding Administrative Law Judge.

E. PROPOSED SCHEDULE (PREHEARING ORDER, ¶3.e)

The YCSWA is participating with the parties in an attempt to reach accord on a proposed schedule for presentation to the Presiding Administrative Law Judge for consideration and adoption, if approved.

F. WITNESSES – (Prehearing Order, ¶3.f)

Subject to discovery, at this time the YCSWA anticipates calling one witness:

Dave Vollero
Executive Director
York County Solid Waste and Refuse Authority
2700 Blackbridge Road
York, PA 17406
Telephone: 717-845-1066

At this time, Mr. Vollero's testimony is expected to deal only with the impact on the YCSWA of the proposed merger. The YCSWA reserves the right to call other or additional witnesses subject to further review of the filing, discovery, and any issues raised herein by other parties.

G. ISSUES – (Prehearing Order, ¶3.g)

At this time, the sole issue the YCSWA expects to address is the impact on the YCSWA of the proposed merger. The YCSWA reserves the right to address additional issues subject to further review of the filing, discovery, and any issues raised herein by other parties.

H. EVIDENCE – (Prehearing Order, ¶3.h)

At this time, the evidence that the YCSWA anticipates presenting will be the written, direct testimony of Dave Vollero, the Executive Director of the YCSWA, regarding the impact

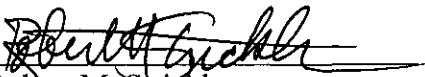
on the YCSWA of the proposed merger. The YCSWA reserves the right to present additional evidence subject to further review of the filing, discovery, and any issues raised herein by other parties.

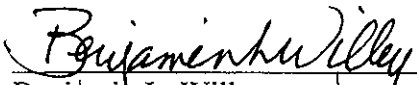
II. CONCLUSION

For the reasons stated herein, the YCSWA respectfully prays that this Prehearing Memorandum be accepted for filing.

Date: June 14, 2010

Respectfully submitted,


Robert M. Strickler
Attorney Registration No. 07496
Griffith, Strickler, Lerman, Solymos & Calkins
110 S. Northern Way
York, PA 17402-3737
Telephone: 717-757-7602
Facsimile: 717-757-3783
Email: rstrickler@gspsc.com
Counsel of Record


Benjamin L. Willey
Law Offices Of Benjamin L. Willey
7272 Wisconsin Avenue
Suite 300
Bethesda, MD 20814
Telephone: 301-941-1972
Telefax: 240-235-7775
Email: blw@bwilleylaw.com
Counsel *pro hac vice* (pending)

**COUNSEL FOR THE
YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY
2700 BLACKBRIDGE ROAD
YORK, PA 17406
TELEPHONE: 717-845-1066**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power Company :
dba Allegheny Power, Trans-Allegheny Interstate :
Line Company and FirstEnergy Corp for a : Docket Nos. A-2010-2176520 and
Certificate of Public Convenience Under Section : A-2010-2176732.
1102(a)(3) of the Public Utility Code Approving :
A Change In Control of West Penn Power :
Company and Trans-Allegheny Interstate Line :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing *Prehearing Memorandum of the York County Solid Waste and Refuse Authority* on the participants listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

Date: June 14, 2010

Service by Hand Delivery, Addressed as Follows:

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
2nd Floor
Commonwealth Keystone Building
Harrisburg, PA 17120

Service by Electronic Mail and by USPS First-Class Mail, Postage Prepaid Addressed as Follows:

Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Anthony C. DeCusatis, Esquire
Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Email: tgadsden@morganlewis.com
Email: kkulak@morganlewis.com
Email: adecusatis@morganlewis.com

Darryl A. Lawrence
Office of Consumer Advocate
5th Floor Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
Email: dlawrence@paoca.org

RECEIVED
2010 JUN 14 PM 12:20
SECRETARY'S BUREAU

William R. Lloyd, Esquire
Office of Small Business Advocate
1102 Commerce Building
300 North Second Street
Harrisburg, PA 17101
Email: willloyd@state.pa.us

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

Randall R. Palmer, Esq.
Jennifer L. Petrisek, Esq.
Allegheny Energy, Inc.
800 Cabin Hill Drive
Greensburg, PA 15601
Email: rpalmer@alleghenyenergy.com
Email: jpetrisek@alleghenyenergy.com

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

Hon. Wayne L. Weisman
Administrative Law Judge
P.O. Box 3265
Harrisburg, PA 17105-3265
Email: wwaismande@state.pa.us

Hon. Mary D. Long
Administrative Law Judge
Piatt Place
301 5th Avenue
Suite 220
Pittsburgh, PA 15222
Email: mlong@state.pa.us

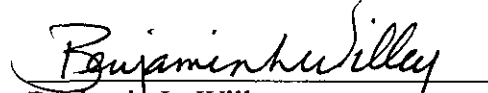
W. Edwin Ogden, Esq.
Alan Michael Seltzer, Esq.
Ryan Russell Ogden & Seltzer, PC
Suite 210
1150 Berkshire Blvd
Wyomissing, PA 19610-1208
Email: eogden@ryanrussell.com
Email: aseltzer@ryanrussell.com

Johnnie E. Simms, Esq.
PA PUC Office of Trial Staff
P.O. Box 3265
Harrisburg, PA 17105-3265
Email: josimms@state.pa.us

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



Robert M. Strickler
Attorney Registration No. 07496
Griffith, Strickler, Lerman, Solymos & Calkins
110 S. Northern Way
York, PA 17402-3737
Telephone: 717-757-7602
Facsimile: 717-757-3783
Email: rstrickler@gslsc.com
Counsel of Record



Benjamin L. Willey
Law Offices Of Benjamin L. Willey
7272 Wisconsin Avenue
Suite 300
Bethesda, MD 20814
Telephone: 301-941-1972
Telefax: 240-235-7775
Email: blw@bwilleylaw.com
Counsel *pro hac vice*

**COUNSEL FOR THE
YORK COUNTY SOLID WASTE AND REFUSE AUTHORITY
2700 BLACKBRIDGE ROAD
YORK, PA 17406
TELEPHONE: 717-845-1066**