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June 14, 2010

VIA HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room
Harrisburg, PA 17120

RECEIVED
2010 JUN 14 PM 2:48
PA PUC
SECRETARY'S BUREAU

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;
PROTEST and PETITION TO INTERVENE OF THE PENNSYLVANIA STATE UNIVERSITY

Dear Secretary Chiavetta:

Enclosed for filing are the originals and three (3) copies each of the Protest and Petition to Intervene of The Pennsylvania State University ("PSU") to the Application of West Penn Power in the above-captioned matter. This document has been served in accordance with the attached Certificate of Service.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

Thomas J. Sniscak

Counsel for

The Pennsylvania State University

WEL/bes

Enclosures

cc: Per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Joint Application of West Penn Power :
Company d/b/a Allegheny Power, :
Trans-Allegheny Interstate Line Company :
and FirstEnergy Corp. for a Certificate of : Docket Nos. A-2010-2176520
Public Convenience under Section 1102(a)(3) : A-2010-2176732
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 PENNSYLVANIA STATE UNIVERSITY**

NOW COMES The Pennsylvania State University ("PSU"), by and through its attorneys, Hawke McKeon & Sniscak LLP, and files this Petition to Intervene in the above-captioned proceeding before the Pennsylvania Public Utility Commission ("Commission"). In support of its Petition, PSU avers as follows:

1. On February 10, 2010, FirstEnergy Corp. ("FirstEnergy"), Element Merger Sub, Inc, ("Merger Sub"), a direct wholly-owned subsidiary of FirstEnergy, and Allegheny Energy, Inc. ("Allegheny Energy") entered into an agreement whereby Merger Sub, will be merged with and into Allegheny Energy with Allegheny Energy surviving the merger as a wholly-owned subsidiary of FirstEnergy.

2. On or about May 14, 2010, West Penn Power Company ("West Penn"), d/b/a Allegheny Power ("Allegheny"), Trans-Allegheny Interstate Line Company ("TrAILCo") and FirstEnergy (collectively the "Joint Applicants"), filed the above-captioned Application ("Application") with the Pennsylvania Public Utility Commission ("Commission") seeking the Commission's approval under Chapters 11 and 28 of the Public Utility Code for a change of control

of West Penn and TrAILCo to be effected by the merger of Allegheny with Merger Sub, a wholly-owned subsidiary of FirstEnergy ("Merger"). In addition, the Joint Applicants request that the Commission approve, under Chapter 21 of the Public Utility Code, certain revisions to affiliated interest arrangements.

3. Notice of the Joint Applicants' Application was published on May 29, 2010, in the *Pennsylvania Bulletin*. A deadline of June 14, 2010, was established by the Commission for the filing of Protests and Petitions to Intervene.

4. PSU seeks to intervene and participate as a full party in this proceeding, and requests that it be placed on the Commission's official Service List for this docket.¹

5. All correspondence and pleadings in this docket should be directed to PSU's counsel in this matter:

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6. Eligibility to intervene in Commission proceedings is governed by the Commission's regulations found at 52 Pa. Code § 5.72. The Commission's regulations provide that in order to have the ability to intervene, a party must have "a right or interest" sufficient to warrant intervention, which includes an interest that may be directly affected by the proceeding and which is not being

¹ Concurrent with the submission of this Petition PSU is filing a Protest. Such Protest is incorporated herein by reference.

adequately represented by existing participants, and where the petitioner may be bound by the actions of the Commission or where the right or interest is otherwise in the public interest. *Id.*

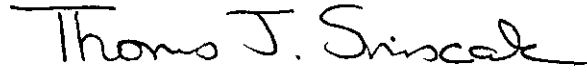
7. PSU has such an interest. PSU is a major generation, transmission and distribution service customer of Allegheny at its University Park campus receiving service through Allegheny PA Retail Tariff 37. PSU is the only customer taking service under Tariff 37. In 2009, PSU received 280,625,102 kWh of electric energy from Allegheny at the University Park campus and paid Allegheny Energy \$22,451,129 for generation, transmission and distribution service. PSU also receives generation, transmission, and distribution service from Allegheny under rate schedules other than PA Retail 37 for approximately 100 additional accounts at the University Park campus and campuses at New Kingston, Fayette and Mont Alto. In 2009, PSU received 36,572,334 kWh of electric energy from Allegheny and paid Allegheny \$2,612,943 for generation, transmission and distribution service through these other accounts.

8. PSU, being a large and quite unique customer of Allegheny Power, has concerns that the Merger may have adverse affects on competition in the electric generation supply market generally, and may hinder PSU's ability to participate in the competitive marketplace. Moreover, PSU has concerns that the Merger savings may not flow through to customers. As a large customer, and a unique customer that takes service under its own tariff, PSU will be substantially and directly affected by any decision, final order, or settlement in this matter and will be bound thereby. Moreover, no other party can represent PSU's interest under these circumstances. Accordingly, PSU should be afforded full party status.

9. For the reasons stated above, PSU's intervention in this matter meets the intervention standards of 52 Pa. Code § 5.72, and is otherwise in the public interest. Accordingly, it requests that this intervention be granted and that it be allowed full party status in this matter.

WHEREFORE, The Pennsylvania State University respectfully requests that the Pennsylvania Public Utility Commission grant it party status in the above-captioned matter.

Respectfully submitted by:



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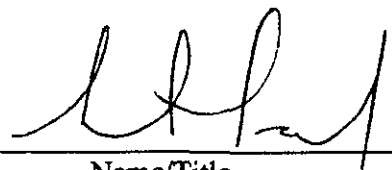
*Counsel for
The Pennsylvania State University*

DATED: June 14, 2010

VERIFICATION

I, ROBERT COOPER hereby state that I am authorized to make this Verification on behalf of The Pennsylvania State University, and that the facts set forth herein are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: June 14, 2010



Name/Title

DIRECTOR, ENERGY & ENGINEERING

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JUN 14 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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and Electronic Mail**

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SECRETARY'S BUREAU

Certificate of Service
Docket Nos. A-2010-2176520 and A-2010-2176732
Page 2 of 2

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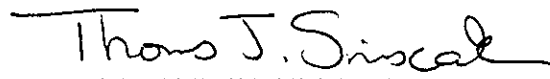
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Dated: June 14, 2010