

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

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Small Business Advocate

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August 25, 2010

HAND DELIVERY

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

**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:

I am delivering for filing today the original plus three copies of the Motion Requesting Leave to Amend Prehearing Memorandum to Include an Additional Witness, on behalf of the Office of Small Business Advocate, in the above-captioned proceedings.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed. Parties have 20 (twenty) days from the date of this letter to respond.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lauren M. Lepkoski".

Lauren M. Lepkoski
Assistant Small Business Advocate
Attorney ID No. 94800

Enclosures

cc: Parties of Record

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S BUREAU

**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 : Docket Nos. A-2010-2176520
1102(A)(3) of the Public Utility Code : A-2010-2176732
Approving a Change of Control of West :
Penn Power Company and Trans- :
Allegheny Interstate Line Company :**

**MOTION OF THE OFFICE OF SMALL BUSINESS ADVOCATE
REQUESTING LEAVE TO AMEND PREHEARING MEMORANDUM
TO INCLUDE AN ADDITIONAL WITNESS**

Pursuant to 52 Pa. Code §§ 5.103 and the Scheduling and Briefing Order of June 23, 2010, the Office of Small Business Advocate (“OSBA”) hereby requests that Your Honors grant leave to the OSBA to amend its Prehearing Memorandum to include an additional witness, Robert D. Knecht, 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. The OSBA acknowledges that the identification of this additional witness comes after the July 30, 2010, deadline and that the additional witness will only be allowed to testify if the OSBA can show that the deadline was missed for good cause.

3. For the reasons outlined below, the OSBA believes that good cause exists for Your Honors to grant the OSBA leave to add a second witness.

Good Cause

4. The OSBA is requesting to add Robert D. Knecht as a witness to provide rebuttal testimony on matters raised in the direct testimony of numerous parties in the instant proceeding with regard to how the default service programs of West Penn Power Company, d/b/a Allegheny Power (“Allegheny Power”), Metropolitan Edison Company (“Met Ed”), Pennsylvania Electric Company (“Penelec”), and Pennsylvania Power Company (“Penn Power”) should be designed beginning June 1, 2013, and with regard to retail market enhancements.

5. The design of default service programs and retail market enhancements are usually addressed in the default service proceeding of an electric distribution company (“EDC”). For example, in *Petition of the West Penn Power Company d/b/a Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period*, Docket No. P-00072342 (Order entered July 25, 2008), the Commission addressed the design of Allegheny Power’s default service program after its rate caps expire and also addressed certain retail market enhancements, *e.g.*, purchase of receivables, billing options, ombudsman, and customer education and awareness programs.

6. Because OSBA witness Dr. John W. Wilson has not testified for the OSBA in a default service proceeding where these types of issues have been addressed, the OSBA requests that Mr. Knecht be permitted to provide rebuttal testimony with

regard to these issues. In that regard, Mr. Knecht was a witness for the OSBA in Allegheny Power's previous default service proceeding, *Petition of the West Penn Power Company d/b/a Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period*, Docket No. P-00072342 (Order entered July 25, 2008), and two of Penn Power's default service proceedings, *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Docket No. P-00052188 (Order entered April 28, 2006), and *Petition of Pennsylvania Power Company For Approval of Interim Default Service Supply Plan*, Docket No. P-00072305 (Order entered January 2, 2008). Because, Mr. Knecht has testified in default service proceedings on behalf of the OSBA, he would be an appropriate witness to respond to the direct testimony of other parties regarding the design of default service and retail market enhancements.

7. Because these issues are normally addressed in a default service proceeding, the OSBA did not anticipate having to address them in the above-captioned proceeding. However, these issues were raised in testimony filed by other intervening parties on August 17, 2010, which was well after the July 30, 2010, deadline for designating witnesses.

8. Unless the OSBA is permitted to present Mr. Knecht's testimony on these issues, the OSBA will be handicapped in its ability to contest issues on which it has expended significant resources since 2003.

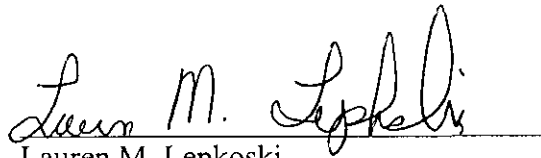
9. Permitting the OSBA to present the rebuttal and (if necessary) surrebuttal testimony of Mr. Knecht on these issues would not prejudice any other party, in that Mr. Knecht is well-known to other parties because of his frequent appearances before the

Commission and in that his testimony would be subject to the same rules of discovery and cross-examination as are applicable to the testimony of OSBA witness Dr. Wilson.

WHEREFORE, the OSBA requests that Your Honors:

- a. grant this motion;
- b. allow the OSBA leave to amend its Prehearing Memorandum to identify an additional witness after the July 30, 2010, deadline;
- c. accept the identification of Robert D. Knecht as the OSBA's second witness sponsoring rebuttal and (if necessary) surrebuttal testimony; and
- d. grant any other relief deemed appropriate

Respectfully submitted,



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For:

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Dated: August 25, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Motion Requesting Leave to Amend Prehearing Memorandum to Include an Additional Witness, on behalf of the Office of Small Business Advocate, by e-mail and first-class mail (unless otherwise noted) upon the persons addressed below:

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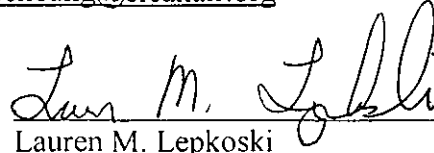
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