

June 22, 2012

VIA FEDEX NEXT DAY


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

**Re: Michael Yanov v. West Penn Power Company
Complaint Docket No. C-2012-2301886
and
James Davis v. West Penn Power Company
Complaint Docket No. C-2012-2305078**

Dear Secretary Chiavetta:

Enclosed is the original of the **Motion of West Penn Power Company for Consolidation of Complaints** in the above-captioned proceedings with certificate of service attached. This filing is also made electronically. This Answer is filed by FEDEX Next Day and electronically and is deemed filed today. A copy has been served on the Office of Administrative Law Judge and the Presiding Administrative Law Judge.

Very truly yours,


John L. Munsch
Attorney

JLM:jss

Enclosures

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL YANOV	:	
Complainant,	:	
	:	
v.	:	Complaint Docket No. C-2012-2301886
	:	
WEST PENN POWER COMPANY,	:	
Respondent.	:	
JAMES DAVIS	:	
Complainant,	:	
	:	
v.	:	Complaint Docket No. C-2012-2305078
	:	
WEST PENN POWER COMPANY,	:	
Respondent.	:	

**MOTION OF
WEST PENN POWER COMPANY
FOR CONSOLIDATION OF COMPLAINTS**

NOW comes West Penn Power Company ("West Penn Power" or "Company") and, pursuant to Section 5.81 of the Rules and Regulations of the Pennsylvania Public Utility Commission ("Commission"), 52 Pa. Code §5.81, requests that the Commission's Office of Administrative Law Judge consolidate the above-captioned proceedings. The two Complaints involve the same electrical outage on a West Penn Power distribution circuit on March 28, 2012. Consolidation of the Complaints is warranted and in the public interest because the Complaints involve the same questions of fact and law and consolidation will avoid unnecessary expense and delay. In support of its Motion, the Company respectfully submits:

1. Complainant Michael Yanov filed a formal complaint on or about April 23, 2012. He alleged that on March 28, 2012, a utility outage in Bentleyville, Pennsylvania, caused an electrical surge that damaged his appliances. West Penn Power filed an Answer on May 22, 2012, denying that its service or facilities were inadequate and stating further that the Commission does not have authority to award damages. The Yanov Complaint is scheduled for a telephonic hearing on Friday, July 13, 2012, at 10 a.m. before Administrative Law Judge John H. Corbett, Jr.

2. Complainant James Davis filed a formal complaint on or about May 14, 2012. He alleged that on March 28, 2012 an electrical surge occurred had damaged his appliances at his home in Bentleyville, Pennsylvania. West Penn Power filed an Answer on May 22, 2012, denying that its electrical facilities were inadequate and stating further that the Commission does not have authority to award monetary damages. The case was referred to Commission Mediator Cynthia Lehman.

3. After investigating the Complaints, it is clear to West Penn Power that both the Yanov Complaint and the Davis Complaint entail the same electrical outage on March 28, 2012, in Bentleyville, Pennsylvania, and, assuming the Complainants' description of events to be correct, resulted in appliance damage in the Complainants' homes.

4. Consolidation of the Complaints involving the same facts and law will reduce unnecessary expense and delay and is consistent with the policy of Section 5.81 of the Commission's rules and regulations.

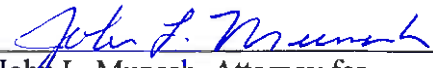
WHEREFORE, West Penn Power Company respectfully requests that the Public Utility Commission or Office of Administrative Law Judge:

- a. postpone the hearing scheduled for July 13, 2012 at 10 a.m. in the matter of L. Michael Yanov, Docket No. C-2012-2301886;
- b. consolidate the Complaints of Michael Yanov, Docket No. C-2012-2301886, and of James Davis, Docket No. C-2012-2305078, and
- c. schedule a combined hearing at a time and place as appropriate.

Respectfully submitted,

Date: June 22, 2012

By:



John L. Munsch, Attorney for
WEST PENN POWER COMPANY
800 Cabin Hill Drive
Greensburg, PA 15601
(724) 838-6210
Pa. I.D. No. 31489

Pennsylvania Public Utility Commission;

**Re: Michael Yanov v. West Penn Power Company; Docket No. C-2012-2305078
and
James Davis v. West Penn Power Company; Docket No. C-2012-2301886**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served by first-class mail, postage prepaid, the foregoing **Motion of West Penn Power Company for Consolidation of Complaints** addressed as follows:

Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

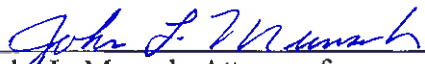
Administrative Law Judge John H. Corbett, Jr.
Pennsylvania Public Utility Commission
Suite 220, Piatt Place
301 Fifth Ave.
Pittsburgh, PA 15222

Mediator Cynthia Lehman
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Michael Yanov
352 Johnston Road
Bentleyville, PA 15314

James F. Davis
27 Johnston Road Ext.
Bentleyville, PA 15314

Date: June 22, 2012


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