

March 7, 2016

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17015-3265

**Re: Petition of West Penn Power Company for Approval to Establish and Implement a
Distribution System Improvement Charge
Docket No. P-2015-2508948**

Dear Secretary Chiavetta:

Enclosed, please find an original copy of Citizens for Pennsylvania's Future and Environmental Defense Fund's Joint Petition to Intervene, Motion for Admission *Pro Hac Vice*, and Notice of Appearance in the above-captioned matter.

Copies are being served in accordance with the attached Certificate of Service.

Sincerely,

/s/ George Jugovic, Jr.

George Jugovic, Jr.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company for :
Approval to Establish and Implement a : **P-2015-2508948**
Distribution System Improvement Charge :

**JOINT PETITION TO INTERVENE OF
CITIZENS FOR PENNSYLVANIA’S FUTURE AND
ENVIRONMENTAL DEFENSE FUND**

Now comes Citizens for Pennsylvania’s Future (“PennFuture”) and Environmental Defense Fund (“EDF”), by counsel, George Jugovic, Jr. and John Finnigan, and hereby Petition to Intervene in the above captioned matter. Petitioners request that the Pennsylvania Public Utility Commission (“Commission”) grant Petitioners status as Intervenor in these proceedings concerning the Petition of West Penn Power Company (“West Penn” or “Company”) for approval to establish and implement a Distribution System Improvement Charge (“DSIC”).

JOINT PETITION TO INTERVENE

Petitioner provides the following in support of their Joint Petition to Intervene:

1. Petitioner PennFuture is a statewide public interest membership organization working to enhance Pennsylvania’s environment and economy, with offices in Harrisburg, West Chester, Philadelphia and Pittsburgh. PennFuture has members residing and using energy in the Company’s service territory.
2. Petitioner is EDF, an international nonprofit corporation headquartered in New York, New York. EDF engages in policy development, public education, litigation and other actions to achieve its goals, including the promotion of clean energy resources

and technologies. EDF has over 16,000 members living in Pennsylvania, and over 350,000 members nationwide, including members who are the Company's customers.

3. The name and address of counsel for Joint Petitioners is:

George Jugovic, Jr.
Chief Counsel
Citizens for Pennsylvania's Future
200 First Avenue, Suite 200
Pittsburgh, Pennsylvania 15222

John Finnigan
Lead Attorney
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174

4. On or about February 16, 2016, the Company petitioned the Commission for approval of a DSIC.
5. The DSIC proposed by the Company would increase rates across its service territory. The Joint Petitioners, on behalf of their members and the public interest, have an interest in ensuring that the Company plans to maximize cost-effective, clean energy.
6. Joint Petitioners have a right and interest in assuring that safe, reliable, clean and affordable public utility service, and participation in this proceeding is an appropriate way to protect these rights and interest. Joint Petitioners may intervene in this proceeding pursuant to 52 Pa. Code 5.71-74.
7. Joint Petitioners have interests in and perspectives on issues in this proceeding that are not adequately represented by other parties of record, including but not limited to: grid modernization, integrated Volt/VAR control and environmental impacts of distribution system improvements.

8. Joint Petitioners intend to review and analyze the Petition as it pertains to rates within the Company's service territories. The DSIC proposed will directly impact Joint Petitioners' members' interests in ensuring cost-effective clean energy development.
9. Joint Petitioners reserve the right to raise other issues as necessary and appropriate during the course of the proceeding and to respond to issues raised by other parties.
10. All documents and correspondence in this proceeding should be addressed to:

George Jugovic, Jr.
Chief Counsel
Citizens for Pennsylvania's Future
200 First Avenue, Suite 200
Pittsburgh, Pennsylvania 15222

John Finnigan
Lead Attorney
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174

11. For the foregoing reasons, Joint Petitioners request that the Commission grant this Joint Petition and confer status as intervenors in this proceeding.

CONCLUSION

Wherefore, PennFuture and EDF respectfully request that the Commission grant this Joint Petition to Intervene, provide PennFuture and EDF with full-party status in this proceeding, and allow such other relief as it deems necessary.

Respectfully Submitted,

/s/ George Jugovic, Jr.

George Jugovic, Jr.
Chief Counsel
Citizens for Pennsylvania's
Future
200 First Avenue, Suite 200
Pittsburgh, Pennsylvania 15222

gJugovic@pennfuture.org
(412) 456-2780

Counsel for Joint Petitioners
PennFuture and EDF

/s/ John Finnigan

John Finnigan
Lead Attorney
Environmental Defense Fund
128 Winding Brook Lane
Terrace Park, Ohio 45174

Counsel for Joint Petitioner EDF
(motion for *pro hac vice*
admission pending)

DATED: March 7, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company for :
Approval to Establish and Implement a : **P-2015-2508948**
Distribution System Improvement Charge :

MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Rule 5.103 of the rules of Administrative Practice and Procedure of the Pennsylvania Public Utility Commission and Rule 301(b) of the Pennsylvania Bar Admission Rules, Counsel of Record for Environmental Defense Fund (“EDF”), George Jugovic, Jr., respectfully requests the Presiding Administrative Law Judge to enter an Order granting admission *pro hac vice* to John Finnigan as counsel for EDF for all purposes in relations to these proceedings. In support of this Motion, the Movant, George Jugovic, Jr., avers as follows:

1. I am an active member of the Pennsylvania Bar (Attorney No. 39586). Pursuant to PUC Rule 1.24, I have entered my appearance as counsel of record for EDF in this proceeding.

2. John Finnigan is an attorney employed by EDF and is located at 128 Winding Brook Lane, Terrace Park, Ohio 45174. He is a graduate of the University of Cincinnati College of Law. He was admitted to practice law in the State of Ohio in 1979 and is currently on active status and is in good standing (Attorney # 0018689). He was admitted to practice law in the Commonwealth of Kentucky in 1986 and is currently on active status and is in good standing (Attorney # 86657). Mr. Finnigan has experience with proceedings before state utility commissions in Pennsylvania, Ohio, Kentucky, Indiana and North Carolina. Mr. Finnigan has

never been suspended, disbarred or been the subject of disciplinary proceedings in Pennsylvania or any other state.

3. Mr. Finnigan was granted permission to appear in the following dockets: West Penn Power Company (Docket No. R-2014-2428742), Pennsylvania Electric Company (Docket No. R-2014-2428743), Pennsylvania Power Company (Docket No. R-2014-2428744), Metropolitan Electric Company (Docket No. R-2014-2428745), PECO Energy Company (Docket R-2015-2468981), PPL (Docket No. R-2015-2469275) and PGW (Docket No. P-2015-2501500). Otherwise, he has not sought permission to appear *pro hac vice* in any other judicial or administrative proceeding in the state of Pennsylvania.

4. Mr. Finnigan agrees to be bound by and comply with applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, the Pennsylvania Rules of Professional Conduct and the Rules of this Commission. Mr. Finnigan agrees to submit to the jurisdiction of the Pennsylvania Courts and Pennsylvania Disciplinary Board with respect to acts and omissions occurring during his appearance in this matter.

5. Mr. Finnigan has consented to the appointment of George Jugovic, Jr. as his sponsor, who has filed his notice of appearance in this matter and who will remain counsel of record on behalf of EDF.

WHEREFORE, George Jugovic, Jr., Movant and Counsel of Record for EDF, respectfully moves for the admission of John Finnigan to appear in this matter *pro hac vice* for EDF for all permissible purposes in relation to these proceedings.

Date: March 7, 2016

/s/ George Jugovic, Jr.

George Jugovic, Jr.
Pennsylvania Bar No. 39586
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Citizens for Pennsylvania's Future
200 First Avenue, Suite 200
Pittsburgh, Pennsylvania 15222
gJugovic@pennfuture.org
(412) 456-2780

Counsel for PennFuture and
Environmental Defense Fund

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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**SPONSOR’S VERIFIED STATEMENT IN SUPPORT OF MOTION FOR ADMISSION
*PRO HAC VICE***

I, George Jugovic, Jr., state the following:

1. After reasonable investigation, I reasonably believe that John Finnigan is a responsible and competent attorney. Accordingly, I am in a position to recommend his admission *pro hac vice* in the above-captioned matter.
2. I am not acting as a sponsor in any other open cases.
3. Any proceeds from the settlement of a cause of action in which the candidates are granted admission *pro hac vice* shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.
4. I shall remain the attorney of record for this case, as required by the Rules of Civil Procedure.
5. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information and belief, and that I would be able to prove the same if a hearing were held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. §4904 (relating to falsifications to authorities).

Date: March 7, 2016

/s/ George Jugovic, Jr.

George Jugovic, Jr.
Pennsylvania Bar No. 39586
Chief Counsel
Citizens for Pennsylvania's Future
200 First Avenue, Suite 200
Pittsburgh, Pennsylvania 15222
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Counsel for PennFuture and
Environmental Defense Fund

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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VERIFIED STATEMENT OF JOHN FINNIGAN FOR ADMISSION PRO HAC VICE

Pursuant to 52 Pa. Code §§1.22(b) and 5.103 and Pa. Rule of Civil Procedure 1012.1, George Jugovic, Jr., a member of the bar of the Commonwealth of Pennsylvania (Pa. ID. No. 39586), is moving for my admission *pro hac vice* in the above-captioned proceeding. In support of said sponsor's motion, I, the candidate, John Finnigan, submit this verified statement:

1. I am admitted to practice in and am a member in good standing of the bar of Ohio (ID No. 0018689) and Kentucky (ID No. 86657), having been admitted in 1979 and 1986 respectively. I have never been suspended, disbarred, or otherwise disciplined nor am I currently the subject of any disciplinary proceeding.
2. I was granted permission to appear in the following dockets: West Penn Power Company (Docket No. R-2014-2428742), Pennsylvania Electric Company (Docket No. R-2014-2428743), Pennsylvania Power Company (Docket No. R-2014-2428744), Metropolitan Electric Company (Docket No. R-2014-2428745), PECO Energy Company (Docket R-2015-2468981), PPL (Docket No. R-2015-2469275) and PGW (Docket No. P-2015-2501500). Otherwise, I have not sought permission to appear *pro hac vice* in any other judicial or administrative proceeding in the state of Pennsylvania.
3. I shall comply with and be bound by the applicable statutes, case law, and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.

4. I shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission *pro hac vice* is being sought.
5. I consent to the appointment of the sponsoring attorney, George Jugovic, Jr., as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission *pro hac vice* is sought.
6. I verify that the facts set forth herein are true and correct, to the best of my knowledge, information and belief, and that I would be able to prove the same if a hearing were held regarding such facts. I understand that the statements are made subject to the penalties of 18 Pa. C.S. §4904 (relating to falsifications to authorities).

/s/ John Finnigan

John Finnigan
128 Winding Brook Lane
Terrace Park, Ohio 45174
(513) 226-9558
jfinnigan@edf.org

Date: March 7, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Approval to Establish and Implement a : **P-2015-2508948**
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NOTICE OF APPEARANCE

Please enter the appearance of George Jugovic, Jr. as counsel for Citizens for Pennsylvania's Future ("PennFuture") and as counsel for the Environmental Defense Fund ("EDF") in the above-entitled proceeding. He is authorized to accept service for PennFuture and EDF in this matter. Please enter the appearance of John Finnigan as counsel for EDF. On the basis of this Notice, they request a copy of each document issued hereafter by the Commission or the parties in this proceeding.

Respectfully submitted,

/s/ George Jugovic, Jr.

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Counsel for PennFuture and
Environmental Defense Fund

/s/ John Finnigan

John Finnigan
128 Winding Brook Lane
Terrace Park, Ohio 45174
(513) 226-9558
jfinnigan@edf.org
(motion for *pro hac vice* admission pending)

Counsel for Environmental Defense Fund
(motion for *pro hac vice* admission pending)

Date: March 7, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), via email and first class mail, upon the persons listed below:

<p>Darryl A. Lawrence Erin L. Gannon Office of Consumer Advocate 555 Walnut Street Forum Place, 5th Floor Harrisburg, PA 17101-1923 <i>Counsel for Office of Consumer Advocate</i> dlawrence@paoca.org egannon@paoca.org</p>	<p>Johnnie E. Simms Deputy Chief Prosecutor Bureau of Investigation & Enforcement PO Box 3265 Commonwealth Keystone Building 400 North Street, 2nd Floor West Harrisburg, PA 17105-3265 josimms@pa.gov</p>
<p>Charles E. Thomas, III Thomas, Niesen & Thomas, LLC 212 Locust Street, Suite 600 Harrisburg, PA 17101 <i>Counsel for Noble Americas Energy Solutions LLC</i> cet3@tntlawfirm.com</p>	<p>John L. Munsch FirstEnergy Service Company 800 Cabin Hill Drive Greensburg, PA 15601 <i>Counsel for West Penn Power Company</i> jmunsch@firstenergycorp.com</p>
<p>Anthony C. DeCusatis Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 <i>Counsel for West Penn Power Company</i> adecusatis@morganlewis.com</p>	<p>Daniel G. Asmus Office of Small Business Advocate 300 North Second Street, Suite 202 Harrisburg, PA 17101 dasmus@pa.gov</p>
<p>Thomas T. Niesen Thomas, Niesen & Thomas, LLC 212 Locust Street, Suite 600 Harrisburg, PA 17101 <i>Counsel for Pennsylvania Rural Electric Association and Allegheny Electric Cooperative, Inc.</i> ttniesen@hmslegal.com</p>	<p>David F. Boehm Boehm, Kurtz & Lowrey 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 <i>Counsel for AK Steel Corp.</i> dboehm@bkllawfirm.com</p>

<p>David J. Dulick Pennsylvania Rural Electric Association Allegheny Electric Cooperative, Inc. 212 Locust Street P.O. Box 1266 Harrisburg, PA 17108-1266 <i>Counsel for Pennsylvania Rural Electric Association and Allegheny Electric Cooperative, Inc.</i> david.dulick@prea.com</p>	<p>Thomas J. Sniscak William E. Lehman Hawke McKeon & Sniscak, LLP 100 N. 10th Street P.O. Box 1778 Harrisburg, PA 17105-1778 <i>Counsel for Pennsylvania State University</i> tjsniscak@hmslegal.com</p>
<p>Donald R. Wagner Linda R. Evers Michael A. Gruin Stevens & Lee 111 N. Sixth Street Reading, PA 19601 <i>Counsel for Wal-Mart Stores East, LP and Sam's East, Inc.</i> drw@stevenslee.com lre@stevenslee.com mag@stevenslee.com</p>	<p>Susan E. Bruce Vasiliki Karandrikas Teresa K. Schmittberger Elizabeth P. Trinkle Charis Mincavage McNees Wallace & Nurick LLC 100 Pine Street, 2nd Floor Harrisburg, PA 17120 <i>Counsel for West Penn Industrial Intervenors</i> sbruce@mwn.com vkandrikas@mwn.com tschmittberger@mwn.com etrinkle@mwn.com cmincavage@mwn.com</p>

/s/ George Jugovic, Jr.

George Jugovic, Jr.

Date: March 7, 2016