

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00 :  
2. BUREAU: ALJ :  
3. SECTION(S): : 4. PUBLIC MEETING DATE:  
5. APPROVED BY: : 00/00/00  
DIRECTOR: :  
SUPERVISOR: :  
6. PERSON IN CHARGE: : 7. DATE FILED: 11/15/06  
8. DOCKET NO: C-20067094 : 9. EFFECTIVE DATE: 00/00/00

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PARTY/COMPLAINANT: FERRI, KAREN L. & BEEBOUT, JAMES

RESPONDENT/APPLICANT: WEST PENN POWER CO.

COMP/APP COUNTY: WESTMORELAND

UTILITY CODE: 111250

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ALLEGATION OR SUBJECT

COMPLAINANT STATES SHE WANTS THE ABILITY TO PURCHASE ENVIRONMENTALLY FRIENDLY ELECTRIC AND ALLEGHENY POWER WILL NOT MAKE IT AVAILABLE TO THEM.

DOCKETED  
NOV 21 2006

DOCUMENT  
HOLDER

**ORIGINAL**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

C-20067094

RECEIVED  
JAN 13 2006  
10:51 AM  
PUC

Please print or type.

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address.

Name Karen L. Ferri / James Beebout

Street/P.O. Box 3319 Carriage Circle Apt #

City Export State Pa Zip 15632

County Westmoreland

Area Code/HOME Phone 724-733-1634

Area Code/WORK Phone 724-733-4666

Utility Account Number 125 07 037 236501  
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below. *my address plus additional addresses:*

Name Karen L. Ferri 504 Overlook Drive Donegal, Pa. 15628

Street/P.O. Box  Account # 122 04 001 005003

City Karen L. Ferri 12 mile Island, Pittsburgh, Pa. 15205 State  Zip 1-36 07 009 58500 9

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Allegheny Power

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE  
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER  
(taxi, moving company, limousine)

4

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.  
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

I want the ability to purchase environmentally friendly electric and Allegheny Power will not make it available to me.

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

I want the PUC to force Allegheny Power to make it available to me at a reasonable cost.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

NO


If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Karen L. Ferri, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature)

10/28/06  
(Date)

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name I am a lawyer

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service

If using overnight delivery service:

Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: NOVEMBER 22, 2006

C-20067094

WEST PENN POWER COMPANY  
KATHY L PATTON  
DEPUTY GENERAL COUNSEL  
800 CABIN HILL DR  
GREENSBURG PA 15601

DOCUMENT  
FOLDER

Dear Ms. Patton:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by KAREN L. FERRI & JAMES BEEBOUT. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either, personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

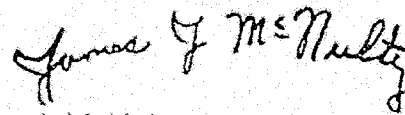
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

NOVEMBER 22, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty  
Secretary

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: NOVEMBER 22, 2006

KAREN L. FERRI & JAMES BEEBOUT  
Complainant

v.

WEST PENN POWER COMPANY  
Respondent

Complaint Docket  
No: C-20067094

DOCUMENT  
FOLDER

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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TO: WEST PENN POWER COMPANY

TAKE NOTICE:

DOCKETED  
NOV 21 2006

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

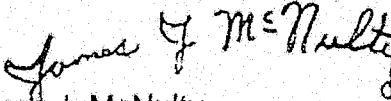
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

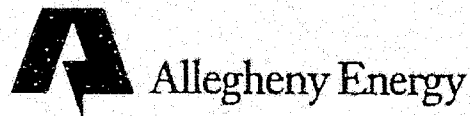
4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.

  
James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



LEGAL SERVICES

FILED

800 Cabin Hill Drive  
Greensburg, PA 15601-1689  
PH: (724) 838-6210  
FAX: (724) 838-6464  
jmundsch@alleghenyenergy.com

December 6, 2006

**VIA FEDERAL EXPRESS**

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

DEC 6 2006

**Re: Karen Ferri and James Beebout v. West Penn Power Company  
Complaint Docket No. C-20067094**

Dear Secretary McNulty:

Enclosed are the original and three (3) copies of the Answer of West Penn Power Company, dba Allegheny Power, to the above-captioned Formal Complaint, with certificate of service attached. This Answer is filed by Federal Express and the filing date is deemed to be today.

Very truly yours,

*John L. Munsch*  
John L. Munsch  
Pa. I.D. No. 31489  
Attorney

BTL

Enclosures

cc: Certificate of Service

DOCUMENT

FILED

DEC 06 2006

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT  
FOLDED

KAREN FERRI AND JAMES BEEBOUT  
Complainant,

v.

WEST PENN POWER COMPANY  
Respondent.

Complaint Docket No. C-20067094

ANSWER OF WEST PENN POWER COMPANY

DEC 08 2006

NOW comes the Respondent, West Penn Power Company, dba Allegheny Power (hereinafter "Allegheny Power"), by its attorneys, and provides an Answer to the Formal Complaint filed in the above-captioned matter, as follows:

1. The information in Paragraph No. 1 is admitted.
2. The information in Paragraph No. 2 is admitted. By way of further answer, the attorneys representing Allegheny Power in this matter are John L. Munsch and James T. Boggs, 800 Cabin Hill Drive, Greensburg, PA 15601. Allegheny Power is the trade name of West Penn Power Company. Allegheny Power operates in Pennsylvania as an electric distribution company providing electric distribution and transmission service. It serves approximately 650,000 retail customers in Pennsylvania.
3. The information in Paragraph No. 3 is admitted.
4. The averments contained in Paragraph No. 4 are denied as stated as they imply that Allegheny Power has the ability or the obligation to provide generation supply that the

complainant characterizes as "environmentally friendly." The Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §2801 et seq. allows electric utility customers in Pennsylvania the opportunity to purchase electric generation from suppliers of their choice. Until recently Green Mountain Energy Company (1-888-246-6730), a supplier that marketed its electric generation supply as environmentally friendly, actively marketed its generation supply to customers in Allegheny Power's Pennsylvania service territory. Green Mountain Energy Company recently stopped providing generation supply in Allegheny Power's Pennsylvania service territory. Green Mountain Energy Company's decision to stop providing service in Allegheny Power's territory was its own decision, and Allegheny Power was not part of its decision making process. Allegheny Power welcomes licensed electric generation suppliers to provide service in Allegheny Power's service territory, but Allegheny Power can not require suppliers to provide a certain type of supply, such as supply generated from wind, solar or other renewable sources.

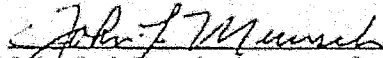
By way of further answer, Allegheny Power points out that a relatively new law, the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.1, will require that electric distribution companies operating in Pennsylvania provide a certain percentage of their default electricity service in the form of "alternative energy sources" which include energy sources such as solar, wind, hydropower, biomass and waste coal. The requirements of the Alternative Energy Portfolio Standards Act will commence upon the expiration of the recovery of stranded costs. The Alternative Energy Portfolio Standards Act is currently the subject of an implementing rulemaking by the Public Utility Commission (Implementation of the Alternative Energy Portfolio Standards Act of 2004; Docket No. L-00060180).

WHEREFORE, Allegheny Power requests that the relief sought by the Complainant be denied and the above-captioned matter be dismissed.

Respectfully submitted,

Date: December 6, 2006

By:

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

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF WESTMORELAND )

SS:

AFFIDAVIT

RUTH R. TOLBERT, being duly sworn according to law, deposes and says that she is Assistant Secretary of West Penn Power Company; that she is authorized to and does make this affidavit for it; and that the facts in the foregoing Answer are, to the best of her knowledge, information and belief, true and correct and she expects the said West Penn Power Company, to provide the same at any hearing hereof.

Ruth R. Tolbert  
RUTH R. TOLBERT

Sworn to and subscribed before me  
this 6<sup>th</sup> day of December, 2006.

Cheryl A. Trice  
Notary Public

ORIGINAL

Notarial Seal  
Cheryl A. Trice, Notary Public  
City of Greensburg, Westmoreland County  
My Commission Expires Dec. 18, 2006

Pennsylvania Public Utility Commission;  
Re: Karen L. Ferri v. West Penn Power Company; Docket No. C-20067094

CERTIFICATE OF SERVICE

I hereby certify that I have this day served by first-class mail, postage prepaid, the foregoing Answer addressed as follows:


Karen L. Ferri & James Beebout  
3319 Carriage Circle  
Export, PA 15632

Karen L. Ferri  
504 Overlook drive  
Donegal, PA 15628

Karen L. Ferri  
12 Mile Island  
Pittsburgh, PA 15205

ORIGINAL

Date: December 6, 2006

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

DEC 6 2006