

COMMONWEALTH OF PENNSYLVANIA



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November 6, 2023

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

Re: Application of West Penn Power Company, Under Sections 507, 1102(a)(1), and 1102(a)(3) of the Public Utility Code, for All of the Necessary Authority, Approvals and Certificates of Public Convenience for: (1) the Acquisition of Certain Electric Distribution Facilities from the Letterkenny Industrial Development Authority; (2) West Penn Power Company's Right to Initiate and Provide Electric Distribution Service in the Portions of Letterkenny, Greene, and Hamilton Townships, Franklin County, Pennsylvania Currently Served by the Letterkenny Industrial Development Authority; and (3) Any Other Approvals Necessary to Complete the Contemplated Transaction  
Docket No. A-2023-3043428

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceedings.

Copies have been served to the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 209323  
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Enclosures:

cc: The Honorable Charles E. Rainey (**email only:** [crainey@pa.gov](mailto:crainey@pa.gov))  
Paul Diskin, Bureau of Technical Utility Services (**email only:** [pdiskin@pa.gov](mailto:pdiskin@pa.gov))  
Office of Special Assistants (**email only:** [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
Certificate of Service  
4854-4581-6974

CERTIFICATE OF SERVICE

Application of West Penn Power Company, Under :  
Sections 507, 1102(a)(1), and 1102(a)(3) of the :  
Public Utility Code, for All of the Necessary :  
Authority, Approvals and Certificates of Public :  
Convenience for: (1) the Acquisition of Certain :  
Electric Distribution Facilities from the :  
Letterkenny Industrial Development Authority; (2) :  
West Penn Power Company’s Right to Initiate and :  
Provide Electric Distribution Service in the : Docket No. A-2023-3043428  
Portions of Letterkenny, Greene, and Hamilton :  
Townships, Franklin County, Pennsylvania :  
Currently Served by the Letterkenny Industrial :  
Development Authority; and (3) Any Other :  
Approvals Necessary to Complete the :  
Contemplated Transaction :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Notice of Intervention and Public Statement, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 6th day of November 2023.

**SERVICE BY E-MAIL ONLY**

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/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
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Phone: (717) 783-5048  
Dated: November 6, 2023  
4875-4119-8990

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of West Penn Power Company, Under :  
Sections 507, 1102(a)(1), and 1102(a)(3) of the :  
Public Utility Code, for All of the Necessary :  
Authority, Approvals and Certificates of Public :  
Convenience for: (1) the Acquisition of Certain :  
Electric Distribution Facilities from the :  
Letterkenny Industrial Development Authority; (2) :  
West Penn Power Company’s Right to Initiate and :  
Provide Electric Distribution Service in the : Docket No. A-2023-3043428  
Portions of Letterkenny, Greene, and Hamilton :  
Townships, Franklin County, Pennsylvania :  
Currently Served by the Letterkenny Industrial :  
Development Authority; and (3) Any Other :  
Approvals Necessary to Complete the :  
Contemplated Transaction :

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NOTICE OF INTERVENTION  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code §§ 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

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Respectfully Submitted,

/s/ Melanie J. El Atieh  
Melanie J. El Atieh  
PA Attorney I.D. # 209323

DATED: November 6, 2023

PUBLIC STATEMENT OF THE OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, as enacted July 9, 1976, and as codified in the Pennsylvania Statutes at 71 P.S. §§ 309-1 – 309-8, authorizes the Consumer Advocate to represent the interests of Pennsylvania consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to intervene, and to participate in proceedings before the Commission involving the Application of West Penn Power Company (WPP) seeking the Commission’s grant of certificate of public convenience authority and other necessary approvals to acquire electric distribution facilities from the Letterkenny Industrial Development Authority (LIDA) and to provide electric distribution service in a new service territory, including portions of Letterkenny, Greene, and Hamilton Townships in Franklin County, Pennsylvania (Application).

On October 5, 2023, WPP filed its Application with the Commission. In the Application, WPP proposes to purchase certain assets of the LIDA electric distribution system for \$5.6 million based on net asset value or the original cost of the assets less contributions and accumulated depreciation. WPP requests authority to serve the commercial and industrial customers of the LIDA system following the closing of the acquisition and to move these customers into WPP’s existing rate schedules. WPP explains that it projects to receive additional annual revenue of approximately \$5.4 million following the acquisition, but this figure assumes that all commercial and industrial customers of the LIDA system will receive default electric supply service from the Company following the acquisition. If this assumption is incorrect, WPP projects additional annual revenue of approximately \$1 million as a result of the acquisition. In the Application, WPP asserts that the approval of the Application will result in substantial public benefits because LIDA’s customers will benefit from a seamless transition from LIDA to WPP and a continuation of Section

1501 service and facilities; WPP's existing customers will realize certain operational and administrative savings by integrating LIDA's customers into its customer base; WPP will make necessary system improvements to ensure that the customers continue to receive Section 1501 service; LIDA's customers will receive access to the competitive generation supply market, which they currently lack; and, the number of potential shopping customers will increase in the retail supply market, which will enhance competition.

The objective of the Consumer Advocate in intervening in this case is to protect the interests of consumers in WPP's service territory and in the proposed new service territory should the acquisition be approved. The Consumer Advocate seeks to ensure that WPP's request for approval of the proposed acquisition of property used or useful in the public service and that all other approvals requested by WPP in the Application meet the applicable requirements of the Pennsylvania Constitution, Public Utility Code, Commission's regulations and orders, and case law.