

# CITIZEN POWER

*Public Policy Research Education and Advocacy*

June 15, 2010

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Joint Application of West Penn Power 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:

Enclosed for filing with the Commission please find the Prehearing Memorandum of Citizen Power in the above-referenced proceeding.

Sincerely,



Theodore Robinson  
Counsel for Citizen Power

Enclosure

cc: per Certificate of Service  
Wayne Weismandel, Administrative Law Judge  
Mary D. Long, Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power Company :  
d/b/a Allegheny Power, Trans-Allegheny Interstate :  
Line Company and FirstEnergy Corp. for a : A-2010-2176520  
Certificate of Public Convenience under Section : A-2010-2176732  
1102(a)(3) of the Public Utility Code approving :  
A change of control of West Penn Power Company :  
And Trans-Allegheny Interstate Line Company :

**PREHEARING MEMORANDUM  
OF CITIZEN POWER, INC.**

Pursuant to the Public Utility Code, 52 Pa. Code § 5.222(d)(1), and in response to the May 24, 2010 Administrative Law Judges' Prehearing Conference Order in the above-captioned matter, Citizen Power, Inc. ("Citizen Power") provides the following information:

**I. Service List:** Citizen Power respectfully requests that its entry on the service list should be for its counsel, as follows:

Theodore Robinson  
Staff Attorney  
Citizen Power  
2121 Murray Avenue  
Pittsburgh, PA 15217

Counsel consents to the service of documents by electronic mail to [robinson@citizenpower.com](mailto:robinson@citizenpower.com), as provided in 52 Pa. Code § 1.54(b)(3).

**II. Settlement:** Citizen Power recognizes the potential savings for the Court and the Parties that can be achieved through settlement. Citizen Power is amenable to settlement discussions and the possibility of reaching a settlement in this matter.

**III. Schedule and Discovery Rules:** Certain parties have been working together to develop a schedule for this proceeding prior to the Petition to Intervene of Citizen Power. Citizen

Power will work with the parties at the Prehearing Conference to develop a reasonable schedule and any necessary modifications to the Commission's discovery rules.

**IV. Witnesses:** At this time, Citizen Power has not decided whether they will offer testimony in this matter. If it is determined that Citizen Power will be calling a witness, the Administrative Law Judges and other parties will be notified as soon as the witness is identified.

**V. Issues:** Citizen Power is in the process of reviewing the Application and Testimony submitted by the Joint Applicants. From a broad perspective, Citizen Power is investigating whether the proposed merger will produce net public benefits. More narrowly, Citizen Power has determined that it has concerns regarding the impact of the proposed merger upon wholesale markets and competition, the potential environmental effects of the proposed merger, and the long term rate impacts for both FirstEnergy and Duquesne Light customers. At this time, Citizen Power continues to evaluate its position on the Joint Applicant's Application and will refine its position based upon further study of the plan, review of discovery and additional input from other parties. Petitioner reserves 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.

Respectfully Submitted,

Citizen Power, Inc.

By: 

Theodore S. Robinson (PA Bar # 203852)

Citizen Power

2121 Murray Avenue

Pittsburgh, PA 15217

(412) 421-7029 (phone)

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Dated: June 15, 2010

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power Company :  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Prehearing Memorandum of Citizen Power, Inc. upon the participants listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

**VIA E-MAIL AND FIRST CLASS MAIL**

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Dated this 15<sup>th</sup> day of June, 2010.

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