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July 30, 2009

Via Electronic Filing

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Docket No. M-2009-2093218
Petition of West Penn Power Company dba Allegheny Power

Dear Secretary McNulty:

Enclosed for filing on behalf of The Pennsylvania State University is its original Prehearing Memorandum in the above matter. Copies of the Prehearing Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it. The e-filing receipt is also enclosed.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By

Thomas T. Niesen

Encl.

cc: The Honorable Katrina L. Dunderdale (w/encl.)
Certificate of Service (w/encl.)
Robert E. Cooper, P.E. (w/encl.)

090730-McNulty (Prehearing Memorandum).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of the West Penn Power : Docket No. M-2009-2093218
Company dba Allegheny Power for :
Approval of its Energy Efficiency :
and Conservation Plan :**

**PREHEARING MEMORANDUM OF
THE PENNSYLVANIA STATE UNIVERSITY**

AND NOW comes The Pennsylvania State University ("Penn State" or "University"), by its attorneys, and pursuant to the directive of Administrative Law Judge Dunderdale at the prehearing conference of July 28, 2009, submits this prehearing memorandum.

I. INTRODUCTION

This proceeding concerns the Energy Efficiency and Conservation Plan filed by West Penn Power Company dba Allegheny Power ("Allegheny") and dated June 30, 2009. Penn State filed a petition to intervene and participated in the prehearing conference on July 28, 2009. Penn State's petition to intervene was not opposed.

The names, postal addresses, voice and fax numbers and email addresses of Penn State's attorneys are:

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II. PENN STATE'S INTEREST IN THE PROCEEDING

Allegheny filed its Energy Efficiency and Conservation Plan ("EE&C Plan") with the Public Utility Commission ("Commission") on or about June 30, 2009. The EE&C Plan was accompanied by a Petition asking that the Commission approve the EE&C Plan and related requests, including the recovery via a reconcilable surcharge of reasonable and prudent costs for providing and managing the EE&C Plan.

Penn State is a major generation, transmission and distribution service customer of Allegheny at its University Park campus receiving service through Allegheny PA Retail Tariff 37. In 2008, the University received 305,449,972 Kwh of electric energy from Allegheny at the University Park campus and paid Allegheny \$15,305,251 for generation, transmission and distribution service.¹

III. ISSUES THE UNIVERSITY WOULD RAISE

Penn State is reviewing Allegheny's EE&C Plan, the proposed surcharge mechanism and the allocation of EE&C Plan costs to and the recovery of EE&C Plan costs from Tariff 37. Penn State will participate in this proceeding as an active party.

While reserving the right to present additional issues as this matter progresses, the University, at the present time, would intend to raise the following for Commission consideration:

- a. Is the EE&C Plan for Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?

¹ The University also receives generation, transmission and distribution service from Allegheny under rate schedules other than PA Retail 37 for approximately 100 additional accounts at the University Park campus and campuses at New Kensington, Fayette and Mont Alto. In 2008, the University received 36,832,132 Kwh of electric energy from Allegheny and paid Allegheny \$2,265,441 for generation, transmission and distribution service through these other accounts.

- b. Is the proposed surcharge mechanism for Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- c. Is the allocation of EE&C Plan costs to Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- d. Is the recovery of EE&C Plan costs from Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?

IV. WITNESSES AND TESTIMONY

The University anticipates presenting the testimony of one witness either Robert E. Cooper or Michael Prinkey.

V. SCHEDULE AND DISCOVERY

The University will participate in the proceeding pursuant to the schedule and discovery modifications determined at the prehearing conference.

Respectfully submitted,

By



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Attorneys for
The Pennsylvania State University

Dated: July 30, 2009

PSU Prehearing Memorandum.wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of the West Penn Power : Docket No. 2009-2093218
Company dba Allegheny Power for :
Approval of its Energy Efficiency :
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CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of July, 2009, served a true and correct copy of the Prehearing Memorandum of The Pennsylvania State University, upon the persons and in the manner set forth below:

BY EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

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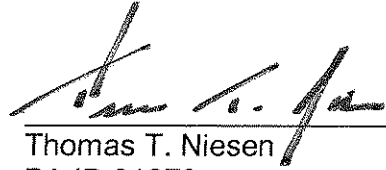
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