

PENNSYLVANIA UTILITY LAW PROJECT

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October 13, 2009

**Via Electronic Filing (E-Filing)**

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

**Re: Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan Docket No. M-2009-2123951**

Dear Secretary McNulty:

Due to lack of resources, ACORN will not be submitting a Brief in the above captioned proceeding regarding Allegheny Power's Petition for Interlocutory Review. However, in this procedural matter, ACORN supports the position taken by the Office of the Consumer Advocate in its Brief regarding Allegheny Power's Petition for Interlocutory Review.

Parties of record in this proceeding are being served with this letter per the attached Certificate of Service. Please contact me directly if you have questions about this letter. Thank you for your assistance.

Very truly yours,

*/s/ John C. Gerhard*

John C. Gerhard  
*Counsel for ACORN*

cc: ALJ Mark A. Hoyer  
Cheryl Davis Walker, OSA  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :**  
**d/b/a Allegheny Power for Expedited :**  
**Approval of its Smart Meter Technology :**  
**Procurement and Installation Plan :**

**Docket No. M-2009-2123951**

**CERTIFICATE OF SERVICE**

I hereby certify that I have today served a Letter, in lieu of a Brief, upon the parties of record in this proceeding listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Via Electronic Mail and First Class Mail**

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*/s/ John C. Gerhard*

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Dated: October 13, 2009