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July 15, 2010

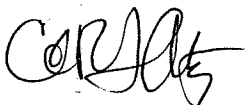
Via Electronic FilingRosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Joint Application of West Penn Power Company 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:

On behalf of Direct Energy Services, Inc., enclosed for filing is the original Motion to Dismiss Objections and Compel Response to its Set I Interrogatories to West Penn Power Company d/b/a/ Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp., along with the electronic filing confirmation page. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,



Carl R. Shultz, Esq.

CRS/lww
Enclosurecc: Hon. Wayne Weismandel, w/enc.
Hon. Mary Long, w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy Direct Energy's Motion To Dismiss Objections and Compel Response to its Set I Interrogatories to West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp, Set I upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

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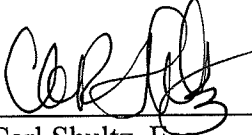
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Dated: July 15, 2010



Carl Shultz, Esq.

**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 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 No. A-2010-2176520
	:	Docket No. A-2010-2176732
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**DIRECT ENERGY SERVICES’
MOTION TO DISMISS OBJECTIONS AND COMPEL RESPONSE
TO ITS SET I INTERROGATORIES AND
REQUESTS FOR DOCUMENT PRODUCTION TO WEST PENN POWER COMPANY
d/b/a ALLEGHENY POWER, TRANS-ALLEGHENY INTERSTATE LINE COMPANY**

Pursuant to 52 Pa. Code §§ 5.342 and the Scheduling and Briefing Order of June 23, 2010, Direct Energy Services (“Direct Energy”) hereby requests that Your Honors dismiss the objections of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp (“Joint Applicants”)¹ and compel them to answer the Direct Energy Set I Interrogatories and Requests for Document Production (collectively, “Interrogatories”) Nos. 1, 2(a), 5(b), 5(c),5(d),(10)(a)(ii), 13, 14, 17, 18, 19(b)(i), 21, 22 and 24(b).²

As explained in greater detail herein, there is no basis for the Joint Applicants’ objections to said discovery requests and the Joint Applicants should be compelled to provide responses. The Interrogatories are relevant and production of the requested information should not require an inordinate amount of time, unreasonable effort or create excessive costs on the Joint Applicants. Moreover, any “Confidential Information” responsive to said Interrogatories may be

¹ A copy of said Objections is attached as “Exhibit A”.

² See Appendix A to “Exhibit A”.

produced under the existing Protective Order. Therefore, the Joint Applicants should be compelled to answer said Interrogatories.

Grounds to Dismiss Objections and Compel Response to Interrogatories Nos. 1 and 2(A)

1. The Statement by the Joint Applicants discusses a transaction involving West Penn and TrAILCo and an unrelated third-party ("Company A"). Detailed factual information related to said transaction and "Company A" has not been produced by the Joint Applicants. Accordingly, Interrogatories 1 and 2(a) seek information relating to said transaction, including (but not limited to) the identification of "Company A."

Interrogatories 1 and 2(a) are reasonably calculated to lead to the discovery of admissible evidence. Facts related to said transaction are relevant to the competitive electricity markets in the Joint Applicants' territories. They are, therefore, of consequence to the determination of this merger proceeding. *See* 66 Pa. C.S. § 2811.

The Joint Applicants have not shown that the information being sought by Interrogatory No. 1 and 2(a) would be unduly burdensome or expensive to produce. The subject Interrogatories are not overly complex or detailed. They merely seek factual information and documents related to said transaction. Such information would exist in business records created or retained by the Joint Applicants. Production of such records would not require an inordinate amount of time, unreasonable effort or create excessive costs on the Joint Applicants.

Based on the foregoing, there is no basis for the Joint Applicants' relevancy and confidentiality objections to Interrogatories 1 and 2(a) and the Joint Applicants should be compelled to answer said Interrogatories.

Grounds to Dismiss Objections and Compel Response to Interrogatories Nos. 5(b), 5(c), 5(d), 10(a)(ii), 13, 14, 17, 18, 21 and 22

2. There is no basis for the Joint Applicants' refusal to answer based on the existence of "sensitive commercial and competitive information." The terms and conditions of the existing Protective Order limit the disclosure and use of such sensitive and competitive information. Protective Order, at ¶ 2. Specifically, such information is made available "only for purposes of reviewing, preparing or presenting evidence, cross-examination or argument in this proceeding." Protective Order, at 6. Therefore, contrary to the Joint Applicants' objections, Direct Energy cannot use any of such information in its own marketing efforts to compete with the Joint Applicants' affiliates.

The information sought by Interrogatories Nos. 5(b), 5(c), 5(d), 10(a)(ii), 13, 14, 17, 18, 21 and 22 is relevant. One of the issues in this proceeding is whether Joint Applicants should be directed to implement post-merger competitive enhancements which would achieve applicable legal and regulatory goals and enhance the development of a competitive market. Interrogatories 17(a), 18, 21 and 22 are directed at First Energy's experiences with aggregation, including its experiences with Northeast Ohio Public Energy Council ("NOPEC"), which is the largest public energy aggregation program in the United States. First Energy's experience with aggregation and the details related to this functioning aggregation program are relevant because they may form the basis for a similar post-merger competitive enhancement appropriate in Pennsylvania.

Another issue in this proceeding is whether the post-merger electricity markets in the Joint Applicants' combined territories will be "properly functioning and workable" from a competitive standpoint. *See* 66 Pa. C.S. § 2811. Examination of this issue requires information on the pre-merger state of the electricity markets in the Joint Applicants' territories to provide

the starting basis upon which to assess the extent to which the merger will impact or change the competitive market in the future. Information related to the market share (Interrogatories 5(b), 5(c), 5(d)) and 10(a)(ii) and conduct (Interrogatories 13 and 14) of competitive affiliates is relevant and necessary to determine understand the current state of the market as the starting point for assessing changes to the post-merger market.

Based on the foregoing, there is no basis for the Joint Applicants' relevancy and confidentiality objections to Interrogatories 5(b), 5(c), 5(d), 10(a)(ii), 13, 14, 17, 18, 21 and 22 and the Joint Applicants should be compelled to answer said Interrogatories.

Grounds to Dismiss Objections and Compel Response to Interrogatories Nos. 19(B)(i)

3. The extent of work or services being performed between regulated and unregulated affiliates can impact the post-merger markets. Interrogatory 19(B)(i) seeks a listing of employees (with positions) that are working or offering services to multiple affiliates. This is not overly broad. It is a narrow request related to the services provided between regulated and unregulated affiliates.

Locating information to respond to Interrogatory 19(B)(i) should not be overly burdensome. The Joint Applicants should have controls to prevent cross subsidization (such as tracking and auditing) related to employees who provide services to multiple affiliates. In fact, such controls are required by the Commission's regulations. 52 Pa. Code § 54.122(8). Further, the Commission regulations require Joint Applicants to "insure that its employees function independently of other related companies." 52 Pa. Code § 54.123(11). Given the existence of such controls, the requested information should be readily available to the Joint Applicants.

Accordingly, the production of the requested information should not require an inordinate amount of time, unreasonable effort or create excessive costs on the Joint Applicants.

Based on the foregoing, there is no basis for the Joint Applicants' relevancy and confidentiality objections to Interrogatory 19(B)(i) and the Joint Applicants should be compelled to answer said Interrogatories.

4. Direct Energy is willing to work with the Joint Applicants on an alternative response to Interrogatory 19(B)(i). But, Direct Energy continues to seek the dismissal of this objection because, at this time, it is unclear if the parties will be able to reach a mutually acceptable agreement.

Grounds to Dismiss Objections and Compel Response to Interrogatories Nos. 24(B)

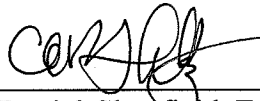
5. The Joint Applicants have not shown that the discovery sought by Interrogatory No. 24(B) is unduly burdensome. The Joint Applicants have filed (and will file) information related to the proceeding with the Federal Energy Regulatory Commission ("FERC"). Interrogatory 24(B) seeks copies of these documents. The mere fact that information is publicly available (on a website) does not make a response "overly burdensome" by a party or otherwise place that information beyond the bounds of a request for production of documents. Moreover, it is not unduly burdensome for the Joint Applicants to provide a copy of any such future filings to Direct Energy at the same time they are submitted to FERC. Providing a copy of future filings is consistent with the Joint Applicants' duty to supplement responses. 52 Pa. Code § 5.332. Therefore, the Joint Applicants' undue burden objection should be dismissed and the Joint Applicants' compelled to answer Interrogatory 24(B).

WHEREFORE, Direct Energy requests that Your Honors and the Pennsylvania Public

Utility Commission:

- (1) grant this motion;
- (2) dismiss the Joint Applicants' objections to the Set I Interrogatories Nos. 1, 2(a), 5(b), 5(c),5(d),(10)(a)(ii), 13, 14, 17, 18, 19(b)(i), 21, 22 and 24(b) by Direct Energy;
- (3) compel the Joint Applicants to answer said Interrogatories; and
- (4) grant any other relief deemed appropriate.

Respectfully submitted,



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Dated: July 15, 2010

EXHIBIT A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOINT APPLICATION OF WEST PENN	:	
POWER COMPANY doing business as	:	
ALLEGHENY POWER, TRANS-	:	
ALLEGHENY INTERSTATE LINE	:	
COMPANY AND FIRSTENERGY CORP.	:	
FOR A CERTIFICATE OF PUBLIC	:	DOCKET NOS. A-2010-2176520
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	:	

**OBJECTIONS OF WEST PENN POWER COMPANY, TRANS-ALLEGHENY
INTERSTATE LINE COMPANY, AND FIRSTENERGY CORP.
TO THE INTERROGATORIES (SET I)
OF DIRECT ENERGY SERVICES**

Pursuant to 66 Pa. C.S. §333(d) and 52 Pa. Code §5.342, West Penn Power Company (West Penn), Trans-Allegheny Interstate Line Company (TrAILCo), and FirstEnergy Corp. (FirstEnergy; collectively, the Companies) hereby object to Set I Interrogatory Nos. 1, 2(a), 5(b), 5(c), 5(d), (10)(a)(ii), 13, 14, 17, 18, 19(b)(i), 21, 22 and 24(b) propounded by Direct Energy Services (“Direct Energy”). A copy of the Interrogatories is attached as Appendix A and incorporated herein by reference.

The Commission’s regulations at 52 Pa. Code § 5.321 provide that a party is permitted to seek discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action. However, discovery is not permitted which would “cause unreasonable annoyance, embarrassment, oppression, burden or expense” to a party. 52 Pa. Code § 5.361. As explained below, the aforementioned interrogatories request information that

is not related to issues within the scope of this proceeding and which Direct Energy is not entitled to obtain.

OBJECTIONS TO DIRECT ENERGY SET I INTERROGATORIES 1 AND 2(A)

1. The Companies object to Direct Energy Interrogatory Nos. 1 and 2(a) because the interrogatories seek information relating to a potential transaction involving West Penn and TrAILCo and an unrelated third-party (“Company A”). This transaction did not occur and is entirely unrelated to the approvals sought by the Companies in this proceeding. The request for identification of Company A and the production of analyses and all documents presented to the Board of Directors of Allegheny Energy, Inc. sought by these interrogatories is therefore irrelevant and improper and, in addition, would subject West Penn and TrAILCo to unreasonable burden and expense.

**OBJECTIONS TO DIRECT ENERGY SET I INTERROGATORIES 5(b), 5(c), 5(d),
10(a)(ii), 13, 14, 17, 18, 21, 22**

2. The Companies object to Interrogatories 5(b), 5(c), 5(d), 10(a)(ii), 13, 14, 17, 18, 21 and 22 because these interrogatories seek information that is not relevant to the approvals sought in this proceeding. The Joint Applicants have presented testimony regarding their retail marketing affiliates. *See* Joint Applicants St. No. 1 (Alexander), p. 17; Joint Applicants St. No. 4 (Hieronymus), pp. 12-15. However, these interrogatories do not address that testimony but instead seek, among other documents, information on the percentage of retail market share of the retail marketing affiliates of the Companies (Interrogatories 5(b), 5(c), 5(d), and (10)(a)(ii)), the current marketing plans of those affiliates (Interrogatories 13, 14, 17(a), and 18), and specific details of contract terms and copies of contracts entered into by those affiliates (21 and 22), including material from other jurisdictions (e.g., Ohio). In short, the interrogatories seek highly

sensitive commercial and competitive information and are seemingly designed to assist Direct Energy in its own electricity marketing efforts and to compete with the Companies' affiliates in Pennsylvania and other states.

OBJECTIONS TO DIRECT ENERGY SET I INTERROGATORY NO. 19(B)(i)

3. The Companies object to Interrogatory No. 19(b)(i) as overly broad and burdensome. In response to Interrogatory No. 19(a), FirstEnergy will be providing information on individuals who have moved from a regulated transmission or distribution company affiliated with FirstEnergy to an unregulated affiliate. However, Interrogatory No. 19(b)(i) requires FirstEnergy to identify each employee who provides services to more than one affiliate. There are several departments which provide services to more than one affiliate (e.g., communications, records management, human resources, etc.), and this response would require the identification and position of more than 350 individual employees in Pennsylvania and their positions.

4. Subject to, and without waiving, its objections, the Companies are prepared to pursue with Direct Energy means by which departments with specific responsibilities across multiple affiliates may be identified.

OBJECTIONS TO DIRECT ENERGY SET I INTERROGATORY NO. 24(B)

5. The Companies object to Interrogatory No. 24(b), which requests the Companies to produce copies of any information provided previously or provided in the future to the Federal Energy Regulatory Commission (FERC), as overly burdensome. Non-privileged information relating to this proceeding that is provided by the Companies to FERC is readily available on FERC's website at Docket No. EC10-68-000, and requiring the Companies to provide additional copies to Direct Energy is plainly unnecessary.

WHEREFORE, the Objections of West Penn Power Company, Trans-Allegheny Interstate Line Company, and FirstEnergy Corp. to the Set I Interrogatories 1, 2(a), 5(b), 5(c), 5(d), (10)(a)(ii), 13, 14, 17, 18, 19(b)(i), 21, 22 and 24(b) propounded by Direct Energy Services (“Direct Energy”) should be granted.

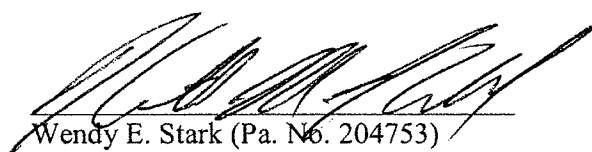
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*Counsel for West Penn Power
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Date: July 12, 2010


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APPENDIX A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Application of West Penn Power	:	
Company d/b/a Allegheny Power, Trans-	:	Docket No. A-2010-2176520
Allegheny Interstate Line Company and	:	Docket No. A-2010-2176732
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	:	

**DIRECT ENERGY SERVICES' DISCOVERY REQUESTS
ADDRESSED TO WEST PENN POWER COMPANY d/b/a ALLEGHENY
POWER, TRANS-ALLEGHENY INTERSTATE LINE COMPANY AND
FIRSTENERGY CORP, SET I**

Pursuant to 52 Pa. Code §§ 5.341, 5.342 and 5.349, Direct Energy Services (“Direct Energy”) hereby propounds the following interrogatories and requests for documents upon West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp (“Joint Applicants”), to be answered by those officers, employees or agents of Joint Applicants as may be cognizant of the requested information and who are authorized to answer on behalf of Joint Applicants. These interrogatories and requests for documents are propounded on a continuing basis so as to require you to submit supplemental answers and/or documents should additional information become known that would have been includable in your answers and document production had they been known or available, or should information and/or documents supplied in the answers or production prove to be incorrect or incomplete. Direct Energy reserves the right to propound additional interrogatories and to request additional documents as and if additional information is required. In accordance with 52 Pa. Code §§ 5.342(d) and 5.349(d), the interrogatories are to be answered in writing under oath and documents are to be furnished and served in-hand upon the undersigned within the time period prescribed by the Commission for this docket.

Additional Instructions

1. Unless otherwise indicated, the time period for all requests is 2005 to the present.
2. If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.
3. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:
 - (i) the date thereof;
 - (ii) the identity of each of the participants in the non-written communication;
 - (iii) the identity of each person present during all or any part of the non-written communication;
 - (iv) a description of the non-written communication which is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
 - (v) the nature of your claim of non-discoverability (e.g. attorney-client privilege); and
 - (vi) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Direct Energy to make a full determination as to whether your claim is valid.
4. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request or any part thereof, contained in a document, set forth with respect to the document:
 - (i) the date and number of pages;
 - (ii) the identity of the author(s) or preparer(s);
 - (iii) the identity of the addressee, if any;
 - (iv) the title;
 - (v) the type of tangible thing (e.g. letter, memorandum, telegram, chart, report, recording disc);
 - (vi) the subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
 - (vii) the identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
 - (viii) the identity of the present custodian(s);
 - (ix) the nature of your claim of non-discoverability (e.g. attorney-client privilege); and

- (x) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Direct Energy to make a full determination as to whether your claim is valid.
5. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in Instructions 3 and 4, as a ground for not answering any interrogatory or request or any part thereof, set forth:
- (i) the nature of your claim as to non-discoverability; and
- (ii) each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit Direct Energy to make a full determination as to whether your claim is valid.
6. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or request, so state and give the best information you have on the subject and identify every person you believe to have the required information.
7. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neuter forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.
8. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.
9. On each Interrogatory response list the name and title of the person or persons who prepared the response or who is responsible for the information contained therein.

Definitions

As used in these Interrogatories and Requests for Production of Documents, the following terms have the meaning as set forth below:

1. The term "Joint Applicants" means West Penn Power Company d/b/a Allegheny Power ("WPP" or "AP" or "Allegheny Power"), Trans-Allegheny Interstate Line Company and FirstEnergy Corp ("First Energy" or "FE") unless the context indicates otherwise.
2. The term "you" means Joint Applicants and any agent or representative of Joint Applicants.
3. The term "Direct Energy" means Direct Energy Services collectively, unless the context indicates otherwise.

4. "List", "describe", "explain", "specify" or "state" means to set forth fully, in detail, and unambiguously each and every fact of which Joint Applicants or its agents or representatives have knowledge which is relevant to the answer called for by the interrogatory.
5. The terms "document" or "documents" as used herein has the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and includes, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements, notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:
 - (a) are now or were formerly in your possession, custody or control; or
 - (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.
6. The term "date" means the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.
7. The term "person" or "persons" means and includes any individual, committee, task force, division, department, company, contractor, state, federal or local government agency, corporation, firm, association, partnership, joint venture or any other business or legal entity.
8. The terms "identify" and "identity" when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.
9. The terms "identify" and "identity" when used with respect to any other entity mean to state its full name, the address of its principal place of business and the name of its chief executive officers.

10. The terms “identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in the possession of the PECO or subject to its control, state what disposition was made of it and explain the circumstances surrounding, and the authorization, for such disposition, and state the date or approximate date thereof.
11. The terms “identify” and “identity” with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.
12. The term “oral communication” means any utterance heard, whether in person, by telephone, or otherwise.
13. The term “identify the sources” means to identify and specify all documents and non-written communications upon which you rely in support of the allegation, contention, conclusion, position or answer in question, to state the references drawn from each such source upon which you rely in support of such allegation, contention, conclusion, position or answer and to identify all individuals whom you know to be knowledgeable with respect to the subject matter of such allegation, contention, conclusion, position or answer. Where a source is a public record (e.g., a newspaper, trade journal, judicial or administrative opinion), a quotation and page reference of the material relied upon shall be supplied.
14. The term to “state the basis” for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefore, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.
15. The terms “and” and “or” have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and request any information or documents that might otherwise be construed to be outside their scope; “all” and “any” mean both “each” and “every”.
16. The terms “relates to” or “relating to” mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.
17. The term “including” means “including, but not limited to.”

18. Term "DS" means default service or provider of last resort service, as those terms are defined in PUC regulations.

INTERROGATORIES

1. Statement 1, p. 52 –
 - (a) Please identify “Company A.” Provide any documents reflecting the terms that were being considered for the potential combination with “Company A.”
 - (b) Provide any available analyses of the effects on competition of the potential transaction with “Company A.”
2. Provide all documents prepared for or presented to the Allegheny Electric board of directors concerning a potential transaction with: (a) “Company A;” (b) FirstEnergy.
3. Statement 1, p. 59 –
 - (a) Please explain in detail the (i) “competitive strategies” and the (ii) shared commitment to supporting and participating in competitive energy markets of the two companies that was considered by the FirstEnergy Board. Provide any documents prepared for or presented to the FirstEnergy Board discussing these issues.
 - (b) Please describe the “present and future” effect of deregulation on electric utility companies, as presented to or discussed by the FirstEnergy Board. Provide any documents prepared for or provided to the FirstEnergy Board discussing this issue.
4. Statement 2, p. 7, line 19. What is FirstEnergy’s definition of “free cash flow?”

These Questions are Limited to the PA Service Territories of WPP and FE Affiliate Companies

5. For WPP and each FE subsidiary (separately and collectively) in Pennsylvania provide:
 - (a) The number and percentage of customers and the amount and percentage of load served by electric generation suppliers (“EGSs”);
 - (b) The percentage of that EGS-served customers and load served by an affiliate of the EDC (i.e., an affiliate of WPP in WPP’s service territory and (separately) an affiliate of FE in an FE company’s service territory);
 - (c) The amount and percentage of EGS served customer load in the WPP service territory served by First Energy Solutions, or another affiliate of FE;
 - (d) The amount and percentage of EGS-served customer load in each FE company service territory served by an affiliate of WPP.
6. For West Penn Power:

- (a) How many MWH and percentage of total default service load will be provided by generation owned or controlled by an affiliate of WPP in 2010.
 - (b) in 2011.
 - (c) in 2012 and beyond (to the extent available).
7. For FE/MetEd:
- (a) How many MWH and percentage of total default load will be provided by generation owned or controlled by an affiliate of FE/MetEd in 2010.
 - (b) in 2011.
 - (c) in 2012 and beyond (to the extent available).
8. For FE/Penelec:
- (a) How many MWH and percentage of total default load will be provided by generation owned or controlled by an affiliate of FE/Penelec in 2010.
 - (b) in 2011.
 - (c) in 2012 and beyond (to the extent available).
9. For FE/Penn Power:
- (a) How many MWH and percentage of total default load will be provided by generation owned or controlled by an affiliate of FE/Penn Power in 2010.
 - (b) in 2011.
 - (c) in 2012 and beyond (to the extent available).
10. (a) Provide for FE, a calculation of customer market share in its distribution service territory, calculated as follows:
- (i) Total number of customers served by FE affiliated distribution companies.
 - (ii) Percentage of those customers who receive generation service either from an FE-provided default (or Provider of Last Resort) generation service or from an FE-affiliated electric generation service provider.
- (b) Provide the same calculation requested in 9(a) above on the basis of percentage of load served.
11. Please indicate whether FE's website has a reference to and/or link to FirstEnergy Solutions.

12. Provide the same information for Allegheny Power/WPP and Allegheny's EGS affiliate.
13. Provide the currently effective marketing plan for First Energy Solutions with respect to marketing products and services within the service territories of affiliated EDCs.
14. Provide the currently effective marketing plan Allegheny Energy Supply with respect to marketing products and services within the service territories of affiliated EDCs.
15. Provide the currently effective Code of Conduct for each of FE's Pennsylvania service territories.
16. Provide the currently effective code of conduct for each of AP's/WPP's current service territories.
17.
 - (a) Please describe FE's municipal aggregation marketing efforts as they are conducted in Ohio, among other places. Provide any documents describing this marketing approach, as used by FE.
 - (b) What percentage of FE's customer load in Ohio is served through a municipal aggregation program or agreement?
18. Does FE have any present plans to attempt to expand municipal aggregation marketing beyond Ohio, and, specifically to Pennsylvania. If it does, please provide any documents describing or discussing such plans.
19. Please describe any restrictions or processes for employees moving between the regulated (i.e., transmission and distribution companies) and unregulated affiliates of FirstEnergy Corp. (e.g., First Energy Solutions).
 - (a) Have there been employees that have moved from positions with the regulated (using the definition in question 19, above) to an unregulated affiliate?
 - (i) If the answer is yes please provide a list of those employees and each position held with FirstEnergy and its affiliates.
 - (b) Are there current employees which work for or offer services to multiple FirstEnergy affiliates?
 - (i) If the answer is yes, please provide a list of those employees and position held.
20. Are there currently or have there in the past been shared office space (meaning within the same building) of FirstEnergy regulated and unregulated company employees?
 - (a) If the answer is yes, please explain if steps were taken, and what they were, to resolve the shared office space situation.

21. From 2006-2008, the NOPEC aggregation program received a credited dollar amount to their customers, typically through a per bill credit. Which FirstEnergy affiliate provided this bill credit? Which FirstEnergy affiliate entered into and funded the NOPEC agreement during this time period? Did any of the FirstEnergy affiliates provide generation to NOPEC?
- (a) Please provide a copy of all FirstEnergy agreements entered into with NOPEC.
22. FirstEnergy Solutions has entered into a nine-year agreement with NOPEC, ending December 31, 2019.
- (a) Please provide a copy of all FirstEnergy agreements entered into with NOPEC.
23. Have there been any federal, state, local, or customer filed complaints of alleged affiliate abuse or misconduct filed against FirstEnergy?
- (a) Please provide case numbers and resolutions of the cases.
24. (a) Provide a full (non-redacted) version of the "Additional Information" provided to the FERC, Division of Electric Power Regulation by cover letter dated June 21, 2010. Provide all attachments referenced in that answer.
- (b) Provide copies of any other information provided previously, or provided in the future to the FERC.

Respectfully submitted,

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