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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

October 21, 2010

Docket No. M-2009-2123951

**TO ALL PARTIES:**

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

To All Active Parties:

On October 19, 2010, West Penn Power Company d/b/a Allegheny Power (West Penn) and the Office of Consumer Advocate (OCA) filed a Joint Petition for Settlement in this proceeding. Answers to petitions or objections to settlement petitions must be filed with the Commission within twenty (20) days after the date of service, unless a different time is prescribed by statute, the Commission, or the presiding officer. *See*, 52 Pa. Code §§ 5.61(a) and 5.232(g). West Penn is seeking expedited consideration of the Joint Petition for Settlement and has requested that the Answer period for the Joint Petition for Settlement and any subsequent associated procedural steps be expedited.

This proceeding began when West Penn filed its Smart Meter Technology and Installation Plan (SMIP) on August 14, 2009, for Commission approval. The matter was assigned to and fully litigated before Administrative Law Judge Mark M. Hoyer, who issued an Initial Decision (ID) on May 6, 2010. On May 13, 2010, West Penn filed a Petition to Stay the Exceptions Period, so that the parties could consider the impact on the proposed SMIP given the proposed merger of West Penn’s parent company with FirstEnergy Corporation. The Office of Small Business Advocate (OSBA) filed an answer opposing the stay, while the OCA filed a letter in support of the stay. In an Order entered July 21, 2010, the Commission granted the request for a stay of the exceptions period for 90 days (or until October 19, 2010), for the parties to file a proposed settlement. If a proposed settlement was not filed within the 90 days, exceptions would be due within 110 days of July 21, 2010, with reply exceptions due within 120 days of July 21, 2010. West Penn and the OCA filed the Joint Petition for Settlement on October 19, 2010, in compliance with the Commission’s July 21, 2010 Order.

West Penn avers that while the settlement is not unanimous, it does greatly reduce the issues that would have been raised in Exceptions to the ID. West Penn also avers that OCA, the party that most intensely litigated this proceeding, supports the settlement.

As this proceeding has been pending since August 14, 2009, and recognizing that the potential contested issues have been reduced, the Commission, without commenting on the merits of the Joint Petition for Settlement or any other pending proceedings, recognizes that that time is of the essence in this matter. The Commission will, therefore, exercise its authority under 52 Pa. Code § 5.61(a) to shorten the time for the filing of Answers to the Joint Petition for Settlement to ten (10) days after the date of this letter.

 Sincerely

Rosemary Chiavetta

Secretary