

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF SMALL BUSINESS ADVOCATE

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SECRETARY'S BUREAU

June 14, 2010

HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**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:

I am delivering for filing today the original plus three copies of the Notice of Intervention and Protest, Verification, Public Statement, and Notice of Appearance, on behalf of the Office of Small Business Advocate, in the above-captioned proceedings.

Two copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Daniel G. Asmus".

Daniel G. Asmus
Assistant Small Business Advocate
Attorney ID No. 83789

Enclosures

cc: Parties of Record

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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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 : Docket Nos. A-2010-2176520
1102(A)(3) of the Public Utility Code : A-2010-2176732
Approving a Change of Control of West :
Penn Power Company and Trans- :
Allegheny Interstate Line Company :

OFFICE OF
SMALL BUSINESS ADVOCATE
NOTICE OF INTERVENTION AND PROTEST

The Office of Small Business Advocate (“OSBA”) files this Notice of Intervention and Protest with respect to the above-captioned proceeding pursuant to Sections 5.51(a) and 5.71(a)(1) of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code §§5.51(a) and 5.71(a)(1). In support of this Notice of Intervention and Protest, the OSBA avers as follows:

Filing Background

1. The OSBA is an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50) to represent the interest of small business customers as a party in proceedings before the Commission.

2. Representing the OSBA in this proceeding is:

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3. On May 14, 2010, a Joint Application was filed by West Penn Power Company (“West Penn”) d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company (“TrAILCo”), and FirstEnergy Corporation (“FirstEnergy”) (collectively, the “Joint Applicants”), seeking approval under Section 1102 of the Public Utility Code, 66 Pa. C.S. §1102, and Section 69.901 of the Commission’s Rules of Practice and Procedure, 52 Pa. Code §69.901, of the merger of Allegheny Energy, Inc. (“Allegheny”) with FirstEnergy.¹

4. West Penn is a Commission-certificated public utility and electric distribution company (“EDC”) which currently operates as a subsidiary of Allegheny and provides service to all classes of customers in Western Pennsylvania. Allegheny is a public utility holding company based in Greensburg, Pennsylvania.²

5. TrAILCo is a corporation organized and existing under the laws of the state of Maryland and the Commonwealth of Virginia that is engaged in the business of

¹ Joint Application at 1, ¶ 1.

² Joint Application at 2-3, ¶¶ 5, 8. Allegheny has three public utility subsidiaries that conduct business as Allegheny Power: West Penn, in Pennsylvania; Monongahela Power Company in West Virginia; and Potomac Edison Company in Maryland, West Virginia, and Virginia.

transmitting electricity in interstate commerce.³ TrAILCo is an indirect public utility subsidiary of Allegheny and is certificated by the Commission.⁴

6. FirstEnergy is a corporation organized and existing under the laws of the state of Ohio and is a Commission-certificated energy services holding company headquartered in Akron, Ohio.⁵ FirstEnergy owns, directly or indirectly, all of the outstanding common stock in the following Pennsylvania EDCs: Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), and Pennsylvania Power Company (“Penn Power”). FirstEnergy owns the following additional subsidiaries: the Waverly Electric Light and Power Company (New York), the Ohio Edison Company (Ohio), the Cleveland Electric Illuminating Company (Ohio), the Toledo Edison Company (Ohio), and the Jersey Central Power and Light Company (New Jersey).⁶

7. Merger Sub is a Maryland Corporation and wholly-owned subsidiary of FirstEnergy formed for the sole purpose of effecting the merger.⁷

8. Allegheny will merge with Merger Sub. As the surviving corporation, Allegheny will become a wholly-owned subsidiary of FirstEnergy.⁸ Each Allegheny shareholder will receive 0.667 shares of FirstEnergy common stock for each share of

³ Joint Application at 2, ¶ 6.

⁴ Joint Application at 2-3, ¶¶ 6, 8.

⁵ Joint Application at 2, ¶ 7.

⁶ Joint Application at 2-3, ¶ 7.

⁷ Joint Application at 4, ¶ 9.

⁸ Joint Application at 4, ¶ 10.

Allegheny common stock held.⁹ Upon completion of the merger, existing shareholders of FirstEnergy will own approximately 73% of the combined company while former Allegheny shareholders will own approximately 27% of the combined company.¹⁰ FirstEnergy will remain the corporate parent of Met-Ed, Penelec, and Penn Power (and its out-of-state subsidiaries) and will become the corporate parent of Allegheny and its subsidiaries, including West Penn and TrAILCo.¹¹

Legal Requirements

9. Section 1102(a) of the Public Utility Code, 66 Pa. C.S. § 1102(a), requires that the Commission issue a certificate of public convenience as a legal prerequisite for the transfer or acquisition of certain property. The statute provides, in pertinent part:

(a) Upon the application of any public utility and the approval of such application by the commission, evidenced by its certificate of public convenience first had and obtained, and upon compliance with existing laws, it shall be lawful:

* * *

(3) For any public utility or an affiliated interest of a public utility as defined in section 2101 ... to acquire from, or to transfer to, any person or corporation, including a municipal corporation, by any method or device whatsoever, including the sale or transfer of stock and including a consolidation, merger, sale or lease, the title to, or the possession or use of, any tangible or intangible property used or useful in the public service....

66 Pa. C.S. § 1102(a)(3).

⁹ Joint Application at 4, ¶ 10.

¹⁰ *Id.*

¹¹ Joint Application at 4, ¶ 11.

10. Section 1103(a) of the Public Utility Code, 66 Pa. C.S. § 1103(a), provides the statutory standard for granting a certificate of public convenience, as follows:

A certificate of public convenience shall be granted by order of the commission, only if the commission shall find or determine that the granting of such certificate is necessary or proper for the service, accommodation, convenience, or safety of the public.

66 Pa. C.S. § 1103(a).

11. In *City of York*, the Pennsylvania Supreme Court provided the legal standard for granting a certificate of public convenience under Section 1103(a) in public utility merger and acquisition cases. Specifically, the Supreme Court stated:

[A] certificate of public convenience approving a merger is not to be granted unless the Commission is able to find affirmatively that public benefit will result from the merger [T]hose seeking approval of a utility merger [are required to] demonstrate more than the mere absence of any adverse effect upon the public [T]he proponents of a merger [are required to] demonstrate that the merger will affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way.

City of York v. Pennsylvania Public Utility Commission, 449 Pa. 136, 141, 295 A.2d 825, 828 (Pa. 1972).¹²

12. Under Section 1103(a), “[t]he commission, in granting such certificate [of public convenience], may impose such conditions as it may deem to be just and reasonable.” Consistent with Section 1103(a), the Commission has held that “[i]n order to ensure that a proposed merger is in the ‘public interest,’ the Commission may impose

¹² Although *City of York* involved a merger, as in this case, its holding is also applicable to an acquisition. Section 1102(a)(3), which imposes the certificate of public convenience requirement, makes no distinction based on whether property is acquired by the “sale or transfer of stock,” a “consolidation,” a “merger,” a “sale,” or a “lease.”

conditions on its granting of the certificate of public convenience.” *Joint Application for Approval of the Merger of GPU, Inc. with FirstEnergy Corp.*, Docket No. A-110300F0095, 2001 Pa. PUC Lexis 23 (Order entered June 20, 2001). Consequently, by imposing conditions pursuant to Section 1103(a), the Commission may approve a transaction which would not meet the *City of York* standard without those conditions.

13. Moreover, the Pennsylvania Supreme Court applied Section 1103(a) in deciding the appeal of the Commission’s decision regarding the Verizon/MCI merger. *Popowsky v. Pennsylvania Public Utility Commission*, 594 Pa. 583, 937 A.2d 1040 (Pa. 2007). The Supreme Court ruled that “while in some circumstances conditions may be necessary to satisfy the Commission that public benefit sufficient to meet the requirement of Section 1103(a) will ensue, even where the PUC finds benefit in the first instance, Section 1103(a) also confers discretion upon the agency to impose conditions which it deems to be just and reasonable.”¹³

14. Through its ruling in *Popowsky*, the Court provided further guidance on the evidentiary findings the Commission is required to make before approving a merger or acquisition. Specifically, the Court opined that:

the appropriate legal framework requires a reviewing court to determine whether substantial evidence supports the Commission’s finding that a merger will affirmatively promote the service, accommodation, convenience, or safety of the public in some substantial way. In conducting the underlying inquiry, the Commission is not required to secure legally binding commitments or to quantify benefits where this may be impractical, burdensome, or impossible; rather, the PUC properly applies a preponderance of the evidence standard to make factually-based determinations (including predictive ones informed by expert judgment) concerning certification matters.¹⁴

¹³ *Popowsky*, 937 A.2d at 1057.

¹⁴ *Popowsky*, 937 A.2d at 1057.

In other words, the applicants are required to prove the likelihood of “substantial” affirmative public benefits and to do so by a preponderance of the evidence.

15. In both *City of York* and *Popowsky*, the Supreme Court simply concluded that there was substantial evidence to support the Commission’s finding that the proposed transaction would provide affirmative public benefits. The Supreme Court did not hold that it would have been erroneous if the Commission had found that the benefits (although proven by a preponderance of the evidence) were not “substantial” and, therefore, did not justify approval of the transaction. In other words, even if the Commission finds by a preponderance of evidence, that a transaction would yield affirmative public benefits, the Commission is not permitted to approve that transaction unless it finds that the benefits would be *substantial*.

Issues of Concern

16. The Joint Application raises several issues of concern that may require the Commission to reject the proposed transaction or to approve it only after imposing conditions. These issues include:

- a. Whether the Proposed Merger would “affirmatively promote the ‘service, accommodation, convenience, or safety of the public’ in some substantial way,” as required by *City of York*;
- b. Whether the Proposed Merger would impede the development of the electric retail market, thereby negatively impacting the retail price ratepayers must pay for electricity;
- c. Whether the Proposed Merger would impede competition in the wholesale market for electricity, thereby negatively impacting the retail price

ratepayers must pay for electricity acquired by the default service provider pursuant to Section 2807(e) of the Public Utility Code, 66 Pa. C.S. § 2807(e);

d. Whether the Proposed Merger would lead to the harmonization of diverse procurement plans (including differences in procurement groups, length of contracts, procurement of alternative energy credits (“AECs”), and the use of RFPs v. declining clock auctions) which will result in changes to previously-approved default service plans;

e. Whether the Proposed Merger would negatively impact any of the EDC’s energy efficiency and conservation (“EE&C”) plans or the smart meter implementation plans (“SMIP”);

f. Whether the Proposed Merger would have a negative impact on customer service reliability as measured by the Commission’s SAIDI, CAIDI, and SAIFI metrics;

g. Whether the Proposed Merger would extend FirstEnergy’s municipal aggregation program to West Penn, Met-Ed, Penelec, and Penn Power and whether any such extension would have a negative impact on retail prices; and

h. Whether the Proposed Merger would include the sharing of merger synergies, efficiencies, and cost savings with ratepayers.

The foregoing concerns are discussed in more detail below. Furthermore, the OSBA reserves the right to pursue any additional issues which arise throughout the proceeding.

17. City of York Standard

The standard set forth in *City of York* for approval of the Proposed Merger is outlined above. Whether the benefits outlined in the Joint Application meet that standard will be one of the primary issues in this proceeding.

18. Impact on Retail Competition

a. The Joint Application lists certain benefits that are expected to occur as a result of the Proposed Merger. The first of these benefits listed in the Joint Application is the increased scale, scope, and diversification of the combined companies, which the Joint Applicants say will result in “improved service, reliability, operational flexibility and increased financial stability”¹⁵ The Joint Applicants must demonstrate that the increased scale, scope, and diversification would not have a negative impact on competition in the retail electricity market, thereby negatively impacting the retail prices that customers must pay.

b. Section 2811 of the Public Utility Code, 66 Pa. C.S. § 2811(a), imposes a general duty on the Commission regarding “anticompetitive” conduct and “the unlawful exercise of market power,” as follows:

The commission shall monitor the market for the supply and distribution of electricity to retail customers and take steps as set forth in this section to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power.¹⁶

¹⁵ Joint Application at 11, ¶ 27(a).

¹⁶ 66 Pa. C.S. § 2811(a)

c. With respect to the specific issue of whether the Proposed Merger would impede the development of the electric retail market (thereby negatively impacting the retail prices ratepayers must pay for electricity), Section 2811(e)(1) states:

In the exercise of authority the commission otherwise may have to approve the mergers or consolidations by electric utilities or electricity suppliers, or the acquisition or disposition of assets or securities of other public utilities or electricity suppliers, the *commission shall consider whether the proposed merger, consolidation, acquisition or disposition is likely to result in anticompetitive or discriminatory conduct, including the unlawful exercise of market power, which will prevent retail electricity customers in this Commonwealth from obtaining the benefits of a properly functioning and workable competitive retail electricity market.*¹⁷

Of particular concern is the possible elimination of retail competition by an Allegheny affiliate in the service territories of the FirstEnergy EDCs and the elimination of retail competition by a FirstEnergy affiliate in the West Penn service territory.

d. FirstEnergy supports and endorses the concept of municipal aggregation of retail customers, a practice which is currently permitted in Ohio.¹⁸ The OSBA is concerned that this practice may be anticompetitive and a violation of Section 2811. Municipal aggregation is inconsistent with the provisions of the Competition Act, which gives each individual customer the right to choose a

¹⁷ 66 Pa. C.S. § 2811(e)(1).

¹⁸ Joint Application at 17, ¶ 28.

generation supplier.¹⁹ Furthermore, municipal aggregation (especially on an opt-out basis) could erect significant barriers to marketing efforts in the participating municipality(ies) by those electric generation suppliers (“EGSs”) that are not chosen to supply the electricity under the aggregation program. Such additional barriers could be especially troublesome because it appears that FirstEnergy enters into municipal aggregation programs in Ohio in service territories in which an affiliate is the default service provider.

e. At the present time, many municipalities appear to lack the legal authority to participate in a municipal aggregation program. However, the General Assembly is being urged to enact authorizing legislation. If such legislation is enacted, it is reasonable to assume that FirstEnergy would seek to implement some form of municipal aggregation in Pennsylvania. Without the Proposed Merger, FirstEnergy would be limited in its ability to implement municipal aggregation in the West Penn service territory.

f. As a merger condition, there should be limitations placed upon any municipal aggregation program. First, a municipal aggregation program should be required to purchase electricity through competitive bidding. Second, bidders should not be permitted to offer incentives that are unrelated to the cost of electricity. Third, customers should not be placed into a municipal aggregation program unless they affirmatively opt into the program.

g. In addition to its effect on retail competition, the implementation of a municipal aggregation program prior to the expiration of an EDC’s default

¹⁹ “Competition Act” refers to the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. Ch. 28. See 66 Pa. C.S. § 2806(a) and § 2807(d)(1).

service program would have a negative impact upon the default service program as previously approved by the Commission. Therefore, as an additional merger condition, FirstEnergy and its affiliates should be prohibited from engaging in a municipal aggregation program in Pennsylvania prior to the expiration of existing default service plans.

19. Impact on Wholesale Competition

a. The increased scope, scale, and diversification of the combined companies could result in anticompetitive conduct that grows out of the unlawful exercise of market power. Therefore, the Proposed Merger could have a negative impact on the wholesale market as well as on the retail market. While the terms of Section 2811 do not specifically address the effect of anticompetitive conduct or unlawful market power upon the wholesale market, the condition of the wholesale market for electricity directly affects retail default service rates. Therefore, the statute is broad enough to give the Commission jurisdiction over the combined companies with regard to possible anticompetitive conduct or unlawful market power in the wholesale market.

b. The Joint Applicants cannot claim that the diversified generation portfolio listed in the Joint Application would be a benefit unless they concede that the impact of the Proposed Merger on the wholesale market comes under the jurisdiction of the Commission.²⁰

c. Allegheny and FirstEnergy are potential competitors in default service procurements by their own Pennsylvania affiliates and by other

²⁰ Joint Application at 11-12, ¶ 27(a).

Pennsylvania EDCs. If Allegheny and FirstEnergy are permitted to merge, the Commission should impose conditions aimed at avoiding, detecting, and correcting any anticompetitive conduct that could adversely affect retail default service rates.

20. Harmonization of Procurement Methodologies

a. The Joint Application lists “enhanced expertise” as a benefit of the Proposed Merger.²¹ Presumably, this enhanced expertise would include the procurement methodologies in use by the individual EDCs for purchasing their default service supply.

b. Harmonization of the procurement methodologies would require some major changes. For example, the FirstEnergy companies procure electricity by means of a declining clock auction, whereas West Penn uses an RFP. In addition, the FirstEnergy EDCs use one-year contracts for small commercial and industrial (“small C&I”) customers, whereas West Penn has a mix of 12, 17, and 29-month contracts for small C&I customers. Furthermore, the procurement groups are different. The FirstEnergy EDCs classify small C&I customers as those with a maximum peak load of up to 400kW. On the other hand, West Penn has two groups, 0-100 kW and 100-500 kW.

c. If FirstEnergy and Allegheny are permitted to merge, any harmonization of the procurement plans of the FirstEnergy EDCs with the procurement plan of West Penn should occur no earlier than with the respective EDC procurement plans for the default service period beginning June 1, 2013.

²¹ Joint Application at 12, ¶ 27(c).

21. Impact of Merger on EE&C and SMIP Plans

The Joint Application asserts that:

The combined company should also be better able to invest in and deploy new processes and technologies, including innovations anticipated as part of Act 129 Energy Efficiency and Conservation and Smart Meter plans being implemented by West Penn, Met-Ed, Penelec and Penn Power.²²

The OSBA notes that West Penn has proposed to alter its SMIP and EE&C plans in contemplation of the merger.²³ These alterations may be detrimental to small C&I customers, because such customers may be forced to bear more EE&C costs than under the West Penn EE&C Plan already approved by the Commission. Consequently, the Proposed Merger would constitute a detriment, rather than a benefit, to West Penn's small C&I customers.

22. Customer Service and Reliability

a. The Joint Application lists "Enhanced Customer Service and Reliability" as a benefit.²⁴ The Commission should compare each EDC's SAIDI, CAIDI, and SAIFI scores from the past several reports to ascertain which programs for improving reliability are most likely to be effective. The Joint Applicants should then be directed, as a merger condition, to implement the program or programs which are the most likely to be effective in providing reliable service to customers.

²² Joint Application at 12, ¶ 27(c).

²³ See West Penn's Petition to Stay the "Exceptions" Period at 4-5, in *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.

²⁴ Joint Application at 12-13, ¶ 27(d).

b. The Proposed Merger raises the possibility of a negative impact on the response time to service outages and other service problems if crews are dispatched to the West Penn service territory by a call center based in Ohio. The location from which service calls would be dispatched for Pennsylvania outages is not clear in the Joint Application.

23. Synergies, Efficiencies, and Cost Savings

The Joint Applicants anticipate that there will be synergies, efficiencies and cost savings that accrue to “the combined company.”²⁵ The language of the Joint Application notes that the savings will accrue “over time” and should “at least in part” offset the increasing costs of providing electric service.²⁶ As a merger condition, the Joint Applicants should be required to make a more definitive commitment regarding use of merger synergies and savings. For example, if the Proposed Merger results in costly changes to West Penn’s SMIP and EE&C plans, then some of the merger savings should be used to avoid or offset those cost increases.

24. Blending of Distribution Rates

The Joint Applicants have not indicated whether it is their long-term intent to institute uniform distribution rates for Met-Ed, Penelec, Penn Power, and West Penn. At present, the rate classes, cost of service, and rate design differ from EDC to EDC. Any proposal to consolidate the distribution rates of the four EDCs would require the issuance of a certificate of public convenience under Section 1102 to merge the individual EDCs into a single EDC.

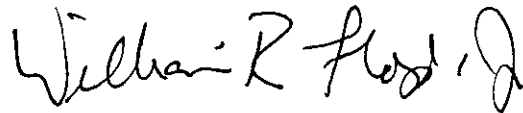
²⁵ Joint Application at 15, ¶ 27(f).

²⁶ *Id.*

WHEREFORE, the Office of Small Business Advocate respectfully requests that the Commission conduct a full investigation, including evidentiary hearings, regarding the Joint Application. Upon completion of that investigation, the OSBA further requests that the Commission:

1. Reject the Joint Application unless the Commission finds that the proposed transaction is in the public interest; provides substantial, affirmative benefits to the public; and complies with the Public Utility Code; or, in the alternative,
2. Impose such terms and conditions upon approval of the Joint Application as are necessary to ensure that the proposed transaction is in the public interest; provides substantial, affirmative benefits to the public; and complies with the Public Utility Code.

Respectfully submitted,



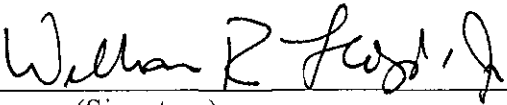
William R. Lloyd, Jr.
Small Business Advocate
PA Attorney I.D. No. 16452

Dated: June 14, 2010

VERIFICATION

I, William R. Lloyd, Jr., hereby state that the facts set forth herein above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date: June 14, 2010



(Signature)

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**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 : Docket Nos. A-2010-2176520
1102(A)(3) of the Public Utility Code : A-2010-2176732
Approving a Change of Control of West :
Penn Power Company and Trans- :
Allegheny Interstate Line Company :**

**PUBLIC STATEMENT OF
THE OFFICE OF SMALL BUSINESS ADVOCATE**

The Small Business Advocate is authorized and directed to represent the interests of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§ 399.41 – 399.50 (“the Act”). The Act further provides that the Small Business Advocate shall issue publicly a written statement setting forth concisely the specific interest of small business consumers to be protected by the initiation of, or intervention in, any proceeding involving those interests before the Pennsylvania Public Utility Commission (“Commission”) or any other agency or court. This public statement relates to the filing today by the Small Business Advocate of a Notice of Intervention and Protest in the above-captioned proceeding.

This proceeding involves a request by West Penn Power Company d/b/a/ Allegheny Power (“West Penn”), Trans-Allegheny Interstate Line Company (“TrAILCo”), and FirstEnergy Corp. (“FirstEnergy”) (collectively, the “Joint Applicants”) for permission to effectuate a transfer of control of Allegheny Energy, Inc. (“Allegheny”), the parent company of West Penn and TrAILCo, to FirstEnergy.

The proposed merger could affect the rates paid by small business customers. Therefore, the Small Business Advocate will participate in this proceeding to protect the interests of the Joint Applicants' small business customers and to advocate against the proposed transaction unless the Joint Applicants can prove that, on balance, the proposed transaction will provide substantial affirmative benefits to the public.

Dated: June 14, 2010

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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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 1102(a)(3) of the : **A-2010-2176732**
Public Utility Code Approving a Change of :
Control of West Penn Power Company and :
Trans- Allegheny Interstate Line Company :

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Notice of Intervention and Protest, Verification, Public Statement, and Notice of Appearance, on behalf of the Office of Small Business Advocate, by e-mail and first-class mail (unless otherwise noted) upon the persons addressed below:

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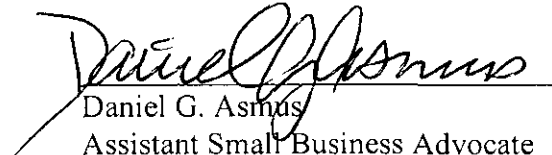
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