

January 21, 2010

VIA OVERNIGHT UNITED PARCEL SERVICE

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: CONFIDENTIAL MATERIAL ENCLOSED

***Joint Petition for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company
Docket Nos. M-2009-2092222, M-2009-2112952, M-2009-2112956***

Dear Secretary McNulty:

Enclosed are an original and three (3) copies of the executed **CONFIDENTIAL** Agreement between FirstEnergy Service Company (on behalf of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company) (“the Companies”) and Aclara Software Incorporated (“Aclara”) to provide an Online Energy Audit Tool under the Companies’ Act 129 Energy Efficiency and Conservation Plans.

The Agreement consists of three **CONFIDENTIAL** documents:

- a Purchase Order, setting forth pricing and additional terms of the Agreement;
- the FirstEnergy Service Company Master Services Agreement; and
- the full Aclara proposal to provide an Online Energy Audit Tool with attachments.

In awarding this contract, the Companies followed the approved Competitive Bidding Process for Conservation Service Providers, which was submitted to the Commission and approved by Secretarial Letter dated March 18, 2009. This contract incorporates the Master Services Agreement, which was approved by the Commission by Secretarial Letter dated

RECEIVED

JAN 21 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

January 21, 2010

November 20, 2009, with the exception of Article 14.4 – Infringement (p. 5 of 18), in which this specific term was negotiated with the vendor. The modified language has been highlighted to ease the Commission’s review of this contract.

By this letter, the Companies respectfully request Commission staff’s review and approval of the enclosed Agreement within forty-five (45) days of filing, consistent with the Commission’s Act 129 Implementation Order. However, to the extent possible, the Companies would appreciate any expedited review and approval of this contract so that the Companies can begin implementing this important program in the near future.

Due to the financially sensitive and proprietary nature of the information contained in this Agreement, the Companies respectfully request that the Commission accord the Agreement the highest possible confidential treatment under the Commission’s regulations.

Please date stamp the additional copy of this cover letter and return it to me in the enclosed, postage-prepaid envelope. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Bradley A. Bingaman

dln
Enclosures

- c: Kriss E. Brown, Esq., Law Bureau
Anthony J. Rametta, Bureau of Fixed Utility Services
Patricia T. Wiedt, Esq., Law Bureau
Wayne E. Williams, Bureau of Conservation, Economics and Energy Planning
William R. Lloyd, Esq., Office of Small Business Advocate (cover letter only)
Irwin A. Popowsky, Esq., Office of Consumer Advocate (cover letter only)
Johnnie E. Simms, Esq., Office of Trial Staff (cover letter only)

**CONFIDENTIAL/PROPRIETARY
MATERIAL FOLLOWS:**

NO SCANNED IMAGE AVAILABLE

**ACTUAL DOCUMENT IN
CONFIDENTIAL FILE FOLDER**

GLENN A COLDREN
(610) 921-6633
AE-1440
2800 POTTSVILLE PIKE
READING PA 19605-2459

9 LBS 1 OF 1

WT: 15.11.3

SHIP TO:
JAMES J. MCNULTY, SECRETARY
(800) 692-7375
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
2ND FLOOR
400 NORTH STREET
HARRISBURG PA 17120-0079



PA 171 9-20



UPS NEXT DAY AIR 1
TRACKING #: 1Z AE1 440 01 5029 4244



BILLING: P/P
54-1007
REF 1: 503003 - B. BINGAMAN, ESQ.
REF 2: BIN# 37 - LEGAL
US 11.0.15 LP2442 59.0R Q1/2D10

TO: MCNULTY, J. PUC (MCNULTY...)
Agency: PUC
Floor:
External Carrier: UPS



This box is for use with the

Do not use this box for:

- UPS Worldwide Express™
- UPS 2nd Day Air®
- UPS Worldwide Expedited™
- UPS Ground
- UPS Standard
- UPS 3 Day Select™

Apply shipping documents here.

110 9:45:50 AM