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May 30, 2012

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA HAND DELIVERY

**RE: West Penn Power Company's Request for Expedited Approval of Proposed Minor
EE&C Plan Changes Pursuant to the June 10, 2011 Final Order in Docket No.
M-2008-2069887; Docket No. M-2009-2093218**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the original and three (3) copies of the Petition to Intervene and Comments of the West Penn Power Industrial Intervenors ("WPPII") in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all parties to the proceeding are being served with a copy of this document. Please date stamp the extra copy of this transmittal letter and Petition to Intervene and Comments, and kindly return them to our messenger for our filing purposes.

Very truly yours,

McNEES WALLACE & NURICK LLC

By *Vasiliki Karandrikas*
Vasiliki Karandrikas

Counsel to the West Penn Power Industrial Intervenors

VK/sds

Enclosures

c: Chief Administrative Law Judge, Charles E. Rainey, Jr. (via Hand Delivery)
Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Penn Power Company's Request for :
Expedited Approval of Proposed Minor EE&C :
Plan Changes Pursuant to the June 10, 2011 : Docket No. M-2009-2093218
Final Order in Docket No. M-2008-2069887 :

**PETITION TO INTERVENE AND COMMENTS OF THE
WEST PENN INDUSTRIAL INTERVENORS**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to Sections 5.71 through 5.74 of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") regulations, 52 Pa. Code §§ 5.71-5.74, and the Commission's Final Order entered June 10, 2010, in *Energy Efficiency and Conservation Program*, Docket No. M-2008-2069887, the West Penn Power Industrial Intervenors ("WPPII" or "Petitioner") hereby file this Petition to Intervene and Comments in the above-captioned proceeding. In support thereof, WPPII avers as follows:

1. Petitioner is WPPII, which for purposes of this proceeding includes the companies listed on Appendix "A" to this Petition. WPPII will update Appendix "A" through the course of this proceeding, as necessary.

2. The names and address of WPPII's counsel are:

Susan E. Bruce (Pa. I.D. No. 80146)
Vasiliki Karandrikas (Pa. I.D. No. 89711)
Teresa K. Schmittberger (Pa. I.D. No. 311082)
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WPPII requests that the names and addresses of its attorneys be added to the Commission's and all parties' service lists. All correspondence in this proceeding from the Commission should be directed to the attention of these attorneys at the address listed above.

3. WPPII is an *ad hoc* coalition of large, energy-intensive industrial and institutional consumers of electricity located within West Penn Power Company's ("West Penn" or "Company") service territory. WPPII members purchase service from West Penn primarily under Rate Schedules 30, 40, 41, 44, and 46.¹ Electricity costs comprise a significant portion of the operational costs for all WPPII members. Some WPPII members participate in the Company's Energy Efficiency & Conservation ("EE&C") programs for large commercial & industrial ("C&I") customers. As a result, WPPII has been actively involved in numerous West Penn proceedings, including those related to the Company's EE&C Plan.

4. On May 15, 2012, West Penn submitted for expedited PUC approval proposed changes to the Company's demand response programs included in its Amended EE&C Plan. Specifically, West Penn is proposing to expand the budget for its Customer Resources Demand Response ("CRDR") Program by removing the Distributed Generation Program, reducing the Customer Load Response ("CLR") Program budget, reducing the C&I Large Equipment Program budget, and transferring the resulting funds to the CRDR Program. *See* Filing, p. 1. According to West Penn, the affected programs are not performing as expected and, as such, the proposed changes will shift resources to the CRDR Program in order to better position the Company to meet its Act 129 goals. *Id.* at 6.

¹ In some instances, WPPII members have multiple facilities within the West Penn service territory and purchase service from West Penn under multiple Rate Schedules, including, in some cases, Rate Schedules 20 and 30 (small).

5. In the case of the CLR Program, West Penn noted that two customers participated during the pilot program during the summer of 2011, but did not address whether these customers or any additional customers have enrolled for such program during the upcoming summer. Nor did West Penn address what, if any, impact the proposed transfer of funds would have on any customers who have already enrolled and the measures that would be taken by the Company to avoid or mitigate any negative impact to customers who may be interested in the CLR Program. In this expedited process, WPPII takes no position on the merits of West Penn's proposed allocation of program funding for the Large C&I class. By way of comment in this expedited process, however, WPPII offers that adequate customer protections must be built into any Commission approval of changes to West Penn's existing EE&C programs, particularly for those with enrolled customers. Changes to the Company's EE&C programs must be implemented in a manner that minimizes the adverse impact on participating customers or customers with pending projects. To position the Company for success in meeting Act 129 goals, WPPII members submit transition issues must be addressed in a manner that supports robust customer participation.

6. As West Penn customers, WPPII members are subject to the EE&C Surcharges that the Company utilizes to fund EE&C programs for Large C&I customers, and some WPPII members participate in the Company's EE&C programs for Large C&I customers. Moreover, parties to this proceeding may seek to change certain aspects of West Penn's filing. Any such changes may have an effect on WPPII members. As such, WPPII has an interest in participating in this proceeding to address these issues and others that may be raised.

7. WPPII members may be directly affected by the Commission's resolution of this proceeding. As some of WPPII's largest retail customers, WPPII members have an interest in this proceeding that is not represented by any other party of record; consequently, WPPII satisfies the standards for intervention under Section 5.72 of the Commission's regulations. See 52 Pa. Code § 5.72.

WHEREFORE, the West Penn Power Industrial Intervenors respectfully request that the Pennsylvania Public Utility Commission grant this Petition to Intervene, provide the West Penn Power Industrial Intervenors with full-party status in this proceeding, and consider these Comments in its resolution of West Penn's Request.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By Vasiliki Karandrikas
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Dated: May 30, 2012

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COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF DAUPHIN :

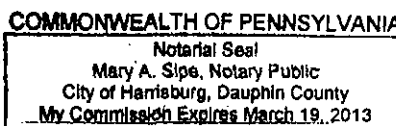
Vasiliki Karandrikas, being duly sworn according to law, deposes and says that she is counsel to the West Penn Power Industrial Intervenors, that in this capacity she is authorized to and does make this affidavit for them, and the facts set forth in the foregoing Petition to Intervene are true and correct to the best of her knowledge, information, and belief.

Vasiliki Karandrikas
Vasiliki Karandrikas

SWORN TO and subscribed before
me this 30th day of May, 2012.

Mary A. Sipe
Notary Public

(SEAL)



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APPENDIX "A"

WEST PENN POWER INDUSTRIAL INTERVENORS

Air Liquide Industrial U.S. LP

Air Products & Chemicals, Inc.

ATI Allegheny Ludlum Corporation

Ervin Industries

INDSPEC Chemical Corporation

Latrobe Specialty Steel Company

Lehigh Specialty Melting Inc. (Whemco)

MERSEN USA St Marys-PA Corp.

Sheetz, Inc.

World Kitchen LLC

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

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Dated this 30th day of May, 2012, at Harrisburg, Pennsylvania.

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