



McNees
Wallace & Nurick LLC

100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

RECEIVED

2010 FEB 19 PM 2: 20

PA PUC
SECRETARY'S BUREAU

Charis Mincavage
Direct Dial: 717.237.5437
Direct Fax: 717.260.1725
cmincavage@mwn.com

February 19, 2010

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

VIA HAND DELIVERY

RE: Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company for Consolidation of Proceedings and Approval of Energy Efficiency and Conservation Plans; Docket No. M-2009-2092222

Dear Secretary McNulty:

On February 16, 2010, the Met-Ed Industrial Users Group ("MEIUG"), the Penelec Industrial Customer Alliance ("PICA"), and the Penn Power Users Group ("PPUG") (hereinafter, "MEIUG, et al.") filed Comments with the Pennsylvania Public Utility Commission ("PUC" or "Commission") in response to the revised Energy Efficiency and Conservation Plan tariffs ("EE&C") submitted by Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company (hereinafter, "Companies") in the above-referenced proceeding. Specifically, MEIUG, et al. raised concerns with the Companies implementing a \$200,000 per meter per year cap upon each customer for purposes of participation in the EE&C programs.

Since filing the aforementioned Comments, MEIUG, et al. has spoken with the Companies, who indicated that this limit was placed in the rebate contract of the Companies' third party conservation service provider, SAIC. Upon review of this provision, the Companies committed to MEIUG, et al. that, at this time, the Companies have placed no limit on available program incentives per metered account for individual customers under the Companies' EE&C program. To that end, the provision in the aforementioned rebate contract, which reserves the right to limit the amount of the program incentive to \$200,000 per meter per year, will not be implemented and will be removed from contract materials. In addition, the SAIC contract has been corrected on the Companies' website so as not to include the aforementioned cap.

In addition, the Companies have indicated that, if they do choose to consider proposing a cap on program incentives per metered account, the Companies believe such a change to the EE&C plans would need to be approved by the Commission. While MEIUG, et al. does not agree with placing caps on customer participation in the EE&C programs, MEIUG, et al. agrees with the

www.mwn.com

HARRISBURG, PA • LANCASTER, PA • STATE COLLEGE, PA • HAZLETON, PA • COLUMBUS, OH • WASHINGTON, DC

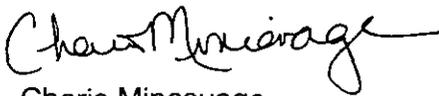
James J. McNulty, Secretary
February 19, 2010
Page 2

Companies' position that any such proposed modification would require a formal filing with the Commission and requisite approval.

Based upon the aforementioned representations by the Companies, MEIUG, et al. believes that the concerns raised in its February 16 Comments have been resolved, and for this reason, MEIUG, et al. withdraws its Comments at this time. As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this letter and kindly return it for our filing purposes.

Respectfully,

McNEES WALLACE & NURICK LLC

By 
Charis Mincavage

Counsel to the Met-Ed Industrial Users Group,
Penelec Industrial Customer Alliance, and Penn
Power Users Group

c: Jonathan Nase, Office of Special Assistants
Certificate of Service

CERTIFICATE OF SERVICE

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

VIA E-MAIL AND FIRST-CLASS MAIL

Kathy J. Kolich, Esq.
FirstEnergy Service Company
76 South Main Street
Akron, OH 44309
kjkolich@firstenergycorp.com

Bradley A. Bingaman, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
bbingaman@firstenergycorp.com

Renardo L. Hicks, Esq.
Michael A. Gruin, Esq.
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, PA 17101
rlh@stevenslee.com
mag@stevenslee.com

Candis Tunilo, Esq.
Tanya McCloskey, Esq.
Aron J. Beatty, Esq.
Office of Consumer Advocate
5th Floor Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
ctunilo@paoca.org
tmccloskey@paoca.org
abeatty@paoca.org

Daniel G. Asmus, Esq.
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North 2nd Street
Harrisburg, PA 17101
dasmus@state.pa.us

Charles Daniel Shields, Esq.
Carrie B. Wright, Esq.
Office of Trial Staff
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265
chshields@state.pa.us
carwright@state.pa.us

Lillian S. Harris, Esq.
Thomas J. Sniscak, Esq.
Hawke McKeon & Sniscak LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17101
lharris@hmslegal.com
tjsniscak@hmslegal.com

Aspassia V. Staevska, Esq.
Commonwealth of Pennsylvania
Department of Environmental Protection
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101-2301
astaevska@state.pa.us

Harry S. Geller, Esq.
John C. Gerhard, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
hgellerpulp@palegalaid.net
jgerhardpulp@palegalaid.net

RECEIVED
200 FEB 19 PM 2:10
SECRETARY'S BUREAU

Certificate of Service

Page 2

Docket No. M-2009-2092222, M-2009-2112952, and M-2009-2112956

Daniel Clearfield, Esq.
Kevin J. Moody, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA 17108-1248
dclearfield@eckertseamans.com
kmoody@eckertseamans.com

Carolyn Pengidore, Esq.
President/CEO
ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241
carolyn@clearchoice-energy.com

Mark C. Morrow, Esq.
Senior Counsel
UGI Utilities, Inc.
460 North Gulph Road
King of Prussia, PA 19406
morrowm@ugicorp.com

Christopher A. Lewis, Esq.
Christopher R. Sharp, Esq.
Melanie J. Tambolas, Esq.
Blank Rome, LLP
One Logan Square
Philadelphia, PA 19103
lewis@blankrome.com
sharp@blankrome.com
tambolas@blankrome.com

Edward P. Yim, Esq.
Office of Representative Camille "Bud" George
Environmental Resources and Energy
Committee
4 East Wing
P.O. Box 202074
Harrisburg, PA 17120
eyim@pahouse.net

Lee E. Hartz, Esq.
Assistant General Counsel
National Fuel Gas Distribution Corporation
P.O. Box 2081
Erie, PA 16512
hartzl@natfuel.com

Brian J. Knipe, Esq.
Buchanan Ingersoll & Rooney, PC
17 North Second Street, 15th Floor
Harrisburg, PA 17101-2121
Brian.knipe@bipc.com

Michael T. Killion, Esq.
Buchanan Ingersoll & Rooney, P.C.
213 Market Street, 3rd Floor
Harrisburg, PA 17101-2121
Michael.killion@bipc.com

Scott H. DeBroff, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146
sdebroff@rhoads-sinon.com

Theodore J. Gallagher, Esq.
Senior Counsel
NiSource Corporate Services Company
501 Technology Drive
Canonsburg, PA 15317
tjgallagher@nisource.com

Certificate of Service

Page 3

Docket No. M-2009-2092222, M-2009-2112952, and M-2009-2112956

Pamela C. Polacek, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
ppolacek@mwn.com


Charis Mincavage

Counsel to Met-Ed Industrial Users Group,
Penelec Industrial Customer Alliance, and
Penn Power Users Group

Dated this 19th day of February, 2010, in Harrisburg, Pennsylvania.