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December 10, 2012

Via Electronic Filing

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

Re: Petition of West Penn Power Company for Approval of its Act 129 Phase II
Energy Efficiency and Conservation Plan; Docket No. M-2012-2334398;
**PETITION TO INTERVENE OF THE PENNSYLVANIA STATE
UNIVERSITY**

Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission the
Petition to Intervene of The Pennsylvania State University in the above-captioned docket.
Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions or comments, please feel free to contact me directly.

Very truly yours,

Thomas J. Sniscak
William E. Lehman

*Counsel for
The Pennsylvania State University*

TJS/WEL/das

Enclosures

cc: Honorable Elizabeth H. Barnes
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company for :
Approval of its Act 129 Phase II Energy : Docket No. M-2012-2334398
Efficiency and Conservation Plan :

**PETITION TO INTERVENE OF
THE PENNSYLVANIA STATE UNIVERSITY**

NOW COMES The Pennsylvania State University (“PSU”), by and through its attorneys, Hawke McKeon & Sniscak LLP, and files this Petition to Intervene in the above-captioned proceeding before the Pennsylvania Public Utility Commission (“Commission”). In support of its Petition, PSU avers as follows:

1. On or about November 13, 2012, West Penn Power Company (“West Penn” or the “Company”), filed with the Commission a Petition seeking approval of its Phase II Energy Efficiency and Conservation Plan (“EE&C Plan”). Although PSU participated as a party in the *Petition of West Penn Power Company for Amendment of the Order Approving Energy Efficiency and Conservation Plans* and *Petition for Approval of its Amended Energy Efficiency and Conservation Plan* at Docket No. M-2009-2093218, PSU was inadvertently omitted from the Commission’s service list for the instant proceeding. Although PSU believes that due to its prior participation it would automatically qualify as a party to this case, out of an abundance of caution, PSU is filing this Petition to Intervene.

2. All correspondence and pleadings in this docket should be directed to PSU's counsel in this matter:

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3. Eligibility to intervene in Commission proceedings is governed by the Commission's regulations found at 52 Pa. Code § 5.72. The Commission's regulations provide that in order to have the ability to intervene, a party must have "a right or interest" sufficient to warrant intervention, which includes an interest that may be directly affected by the proceeding and which is not being adequately represented by existing participants, and where the petitioner may be bound by the actions of the Commission or where the right or interest is otherwise in the public interest. *Id.*

4. PSU has such an interest. PSU is a major customer of West Penn at its University Park campus, receiving service through West Penn's Tariff 37. PSU also receives service from West Penn under Rates Schedules other than Tariff 37 for approximately one hundred (100) additional accounts at the University Park campus and campuses at New Kensington, Fayette, and Mont Alto.

5. As a large customer, PSU will be substantially and directly affected by any decision, final order, or settlement in this matter and will be bound thereby. PSU is continuing to review the filing to determine if it is reasonable, appropriate and consistent with statutory requirements and regulatory principles. Moreover, PSU has an interest in any changes or modifications to the filing that may be proposed by parties other than West Penn.

6. For the reasons stated above, PSU's intervention in this matter meets the intervention standards of 52 Pa. Code § 5.72, and is otherwise in the public interest. Accordingly, PSU requests that this intervention be granted and that it be allowed full party status in this matter.

WHEREFORE, The Pennsylvania State University respectfully requests that the Pennsylvania Public Utility Commission grant it party status in the above-captioned matter.



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Dated: December 10, 2012

CERTIFICATE OF SERVICE

M-2012-2334387; M-2012-334392;
M-2012-2334395; M-2012-2334398

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS U.S. MAIL

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Dated this 10th day of December, 2012