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March 19, 2021

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission v. UGI Utilities, Inc. – Electric Division;  
Docket No. R-2021-3023618

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Memorandum of the Retail Energy Supply Association (“RESA”) and NRG Energy, Inc. (“NRG”) in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*Sarah C. Stoner*

Sarah C. Stoner

SCS/jls  
Enclosure

cc: Honorable Steven K. Haas ([sthaas@pa.gov](mailto:sthaas@pa.gov)) w/ enc.  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing **Prehearing Memorandum** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### Via First Class Mail and/or Email

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*Sarah C. Stoner*

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Sarah C. Stoner, Esquire

*Attorney for RESA and NRG Energy, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission :  
 :  
v. : Docket No. R-2021-3023618  
 :  
UGI Utilities, Inc. – Electric Division :  
 :

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**PREHEARING MEMORANDUM OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION AND NRG ENERGY, INC.**

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Pursuant to 52 Pa. Code §§ 5.72-5.75, and subject to the granting of the Petition to Intervene being filed on this same date, the Retail Energy Supply Association (“RESA”)<sup>1</sup> and NRG Energy, Inc. (“NRG”) submit this Prehearing Memorandum.<sup>2</sup>

**I. PROPOSED PROCEDURAL SCHEDULE**

RESA and NRG understand that UGI and the parties who have already intervened in this matter have agreed upon a reasonable proposed procedural schedule set forth in UGI’s Prehearing Memorandum. RESA and NRG support adoption of the proposed procedural schedule. RESA and NRG do not have any proposals regarding discovery modifications.

**II. SETTLEMENT**

RESA and NRG are willing to participate in settlement discussions with any party to narrow the issues in this matter.

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org)

<sup>2</sup> RESA and NRG’s filing on this date does not prejudice any party or intervener because RESA and NRG are accepting the procedural schedule as-is and are planning to participate in the prehearing conference.

### **III. WITNESSES**

RESA and NRG have not yet identified a witness to present testimony in this matter. RESA and NRG anticipate that the subject matter of their testimony will focus on UGI's electric vehicle (EV) and energy storage (ES) proposals. RESA and NRG reserve the right to present a witness as may be necessary depending on the course of the proceeding and will provide the Presiding Officer as well as the other parties in this matter reasonable notice if necessary. RESA and NRG also reserve their right to add additional witnesses or change the identity of their witnesses at any time upon appropriate notice to the Presiding Officer and the parties.

### **IV. PRESENTLY IDENTIFIED ISSUES**

RESA and NRG have identified the following issues that should be examined in this proceeding:

- Whether the Commission should reject UGI's EV and ES proposals and permit competitive market participants to drive innovation in EV/ES technologies.
- The appropriateness of UGI's proposal to own ES assets.
- The impact of utility ownership of ES assets and the inclusion in distribution rates.
- The appropriateness of UGI's proposal to develop, own and operate three DCFC EV charging stations.
- How will UGI's proposed implementation to own and maintain make-ready infrastructure for EV charging stations impact the ability of market participants to offer competitive options for their products and services to retail customers in UGI's territory?

- The appropriateness of UGI’s proposal to provide customer education regarding EVs and EV charging.
- Whether the EV/ES proposals will provide equal access to customer data so that market participants are not placed at a competitive disadvantage.

At this time, RESA and NRG continue to evaluate their position on and will refine their position based on further study of UGI’s proposal, review of discovery and additional input from other parties. RESA and NRG reserve the right to address other issues identified through its continued review and analysis of the filing or raised by other parties.

**V. SERVICE OF DOCUMENTS**

RESA and NRG request that all documents be served on:

Deanne M. O’Dell, Esq.  
 Sarah C. Stoner, Esq.  
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 (motion for admission *pro hac vice* to be filed)

RESA and NRG also agree to receive service of documents electronically in this proceeding. To the extent that materials are available electronically, it is requested that copies be served upon:

Deanne O'Dell – [dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)  
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Respectfully submitted,

*Sarah C. Stoner*

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Dated: March 19, 2021

*Counsel for RESA and NRG Energy, Inc.*