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March 4, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of its Default Service Program for the Period of June 1, 2025, through May 31, 2029 – Docket No. P-2024-3046008

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Retail Energy Supply Association's ("RESA") Petition to Intervene with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Deanne M. O'Dell

DMO/lww  
Enclosure

cc: Hon. Eranda Vero w/enc.  
Hon. Arlene Ashton w/enc.  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA's Petition to Intervene upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### **Via Email Only**

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Date: March 4, 2024



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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
for Approval of Its Default Service Plan : Docket No. P-2024-3046008  
for the Period from June 1, 2025 Through :  
May 31, 2029 :

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**THE RETAIL ENERGY SUPPLY ASSOCIATION’S  
PETITION TO INTERVENE**

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Pursuant to 52 Pa. Code §§ 5.72-5.75 and the public notice published in the *Pennsylvania Bulletin* on February 17, 2024, the Retail Energy Supply Association (“RESA”)<sup>1</sup> petitions to intervene in the Petition of PECO Energy Company (“PECO” or the “Company”) for Approval of its Default Service Program (“DSP Petition”). In support of its intervention, RESA states as follows:

1. On February 2, 2024, the Company filed a petition with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act (“AEPS Act”)<sup>2</sup> and recover all associated costs on a full and current basis for the period from June 1, 2025 through May 31, 2029.

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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 more than twenty 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> 73 P.S. §§ 1648.1-1648.8 and related provisions of 66 Pa. C.S. §§ 2813-2814.

2. By public notice published in the *Pennsylvania Bulletin* on February 17, 2024, the Commission established a deadline of March 4, 2024 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for March 8, 2024 before Administrative Law Judges Eranda Vero and Arlene Ashton.

3. RESA is a trade association of power marketers, independent power producers, and a broad range of companies within the Mid-Atlantic marketplace, each of whom support the electric services industry and seek to develop a more competitive power industry. RESA members are licensed to sell electric energy in the markets of Pennsylvania's major electric distribution companies ("EDCs"), including in PECO's service territory.

4. RESA's attorneys in this matter are:

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5. The Commission's regulations allow intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). Intervention is also permitted where participation of the

person may be in the public interest. 52 Pa. Code § 5.72(a)(3). A “person” includes a corporation and an association. 52 Pa. Code § 1.8.

6. RESA meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As an organization whose members include competitive electric generation suppliers (“EGSs”) licensed to do business in the Company’s service territory, RESA has interests that will be directly affected by this proceeding.<sup>3</sup> The ability of RESA’s members to provide electric supply to retail customers in the Company’s service territory will be specifically and substantially affected by the outcome of this proceeding, which will establish the terms and conditions under which the Company will acquire electric supply to serve its Default Service load from June 1, 2025 through May 31, 2029 and, thus, the rates against which RESA members must compete to sell electricity to retail customers in the Company’s service territory.

7. In addition, the Petition addresses various issues that will directly affect the EGSs’ provision of competitive alternative service to retail customers. This includes PECO’s proposal to add a chart to the first page of the residential customer bill comparing the customer’s total EGS charges for the billing period to the amount that charges would be under the Company’s Price to Compare based on the customer’s usage during the billing period.

8. RESA’s interests in this proceeding are unique from and not adequately represented by other parties that may seek to intervene, including individual EGSs or other organizations interested in electric competition in Pennsylvania in general and in the Company’s service territory in particular. This is because RESA represents the interests of a diverse and broad group of electric generation suppliers in general, and not the interests of any individual member.

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<sup>3</sup> See *Respond Power, LLC v. Pa. Public Utility Commission*, 250 A.3d 547 (Pa. Cmwlth. 2021).

9. RESA's members will be bound by the action of the Commission in this proceeding, which will determine the Company's default service rates, terms and conditions beginning June 2025 as well as the terms and conditions for the various retail market enhancement programs proposed by the Company.

10. RESA's intervention is in the public interest. RESA's participation will enable it to contribute the unique perspectives and insights of a trade association representing multiple EGSs and complete presentation of the issues to be addressed in this proceeding. It should be noted that RESA actively participated in the most recent default service proceeding that developed PECO's current default service plan as well as prior default service proceedings involving the Company.

11. RESA is reviewing the Company's filing and will be identifying issues to be addressed in this proceeding. Due to the early stage of this proceeding, RESA reserves the right to raise and address issues identified through its continued review and analysis of the Company's filing (and related information), or other issues raised by other parties.

**WHEREFORE**, RESA respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,



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Date: March 4, 2024

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