

March 1, 2024

E-FILE

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

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

Dear Secretary Chiavetta:

Attached for filing with the Pennsylvania Public Utility Commission is the Petition to Intervene of the Calpine Retail Holdings, LLC ("Calpine") in the above proceeding.

The parties shown on the attached Certificate of Service are being duly served with a copy of Calpine's Petition to Intervene by e-mail.

If you have any questions, please contact me.

Thank you.

Very truly yours,

NORRIS McLAUGHLIN, P.A.

/s/ John F. Lushis, Jr.

John F. Lushis, Jr.

cc: Administrative Law Judge Eranda Vero (via e-mail)
Administrative Law Judge Arlene Ashton (via e-mail)
Certificate of Service

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 Section 1.54 (relating to service by a participant).

VIA E-MAIL

Brandon J. Pierce, Esq.
PECO Energy Company
2301 Market Street S23-1
Philadelphia, PA 19103
brandon.pierce@exeloncorp.com

NazAarah Sabree
Small Business Advocate
Commonwealth of Pennsylvania Office of
Small Business Advocate Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
ra-sba@pa.gov

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
ra-oca@paoca.org

Richard A. Kanaskie, Esq.
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building 400 North
Street, 2nd Floor West Harrisburg, PA 17120
rkanaskie@pa.gov

Robert W. Ballenger
Joline R. Price
Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
rballenger@clsphila.org
jprice@clsphila.org
*Counsel for the Tenant Union
Representative Network and Action Alliance*

Gregory L. Peterson
Phillips Lytle LLP
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
gpeterson@phillipslytle.com
*Counsel for State Wise Energy Pennsylvania
LLC and SFE Energy Pennsylvania, Inc.*

Elizabeth R. Marx
John Sweet
Ria Pereira
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarx@pautilitylawproject.org
jsweet@pautilitylawproject.org
rpereira@pautilitylawproject.org
*Counsel for the Coalition for Affordable Utility
Service and Energy Efficiency in Pennsylvania*

Thomas F. Puchner
Phillips Lytle LLP
30 South Pearl Street
Albany, NY 12207-1537
tpuchner@phillipslytle.com
*Counsel for State Wise Energy Pennsylvania
LLC and SFE Energy Pennsylvania, Inc.*

Karen O. Moury
Deanne M. O'Dell
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
kmoury@eckertseamans.com
dodell@eckertseamans.com
*Counsel for Electric Supplier Coalition and
the Retail Energy Supply Association*

Joseph Otis Minott
Ernest Logan Welde
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
joe_minott@cleanair.org
lwelde@cleanair.org
Counsel for Environmental Stakeholders

Kevin McDougall
Rebecca Barker
Clean Energy Program
Philadelphia Office
1617 John F. Kennedy Blvd., Suite 2020
Philadelphia, PA 19103
dmcgougall@earthjustice.org
rbarker@earthjustice.org
Counsel for Environmental Stakeholders

/s/ John F. Lushis, Jr.

John F. Lushis, Jr.
Counsel to Calpine Retail Holdings, LLC

Dated this 1st day of March 2024 in Allentown, Pennsylvania

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION TO INTERVENE
OF CALPINE RETAIL HOLDINGS, LLC**

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, Calpine Retail Holdings, LLC (together with its operating subsidiaries, “Calpine”) hereby files this Petition to Intervene in the above-captioned proceeding.¹

PECO Energy Company (“PECO” or the Company”) has petitioned the Commission for approval of the Company’s sixth Default Service Program (“DSP VI”). PECO’s Petition for Approval of DSP VI (the “Petition”) outlines the Company’s proposed procurement plan, implementation plan, and contingency plan for acquiring default service energy supply for all PECO customers who, upon expiration of DSP V on May 31, 2025, do not take generation service from an alternative electric generation supplier (“EGS”) or who contract for energy with an EGS, which is not delivered. *Petition of PECO Energy Co. for Approval of its Default Serv. Program for the Period from June 1, 2025 through May 31, 2029*, Docket No. P-2024-3046008, at 1.

In support of its Petition to Intervene, Calpine asserts the following:

¹ As used herein, “Calpine” refers collectively to Calpine Retail Holdings and its retail subsidiaries. Calpine Retail has overall responsibility for the business activities of its retail subsidiaries, which serve residential, commercial, institutional and industrial customers in Pennsylvania’s retail electric and gas markets.

1. The proposed DSP VI would apply to all retail customers in PECO's service territory, including customers of Calpine.

2. Calpine is an independent, national provider of retail electric service across 20 states. It operates as a licensed Electric Generation Supplier ("EGS") in Pennsylvania. Calpine is also a Load Serving Entity (LSE) and member of PJM Interconnection LLC. Calpine is actively serving and soliciting customers throughout Pennsylvania. Calpine currently offers a wide variety of efficiency and energy-related products and services beyond simple energy procurement, including load and risk management and green energy solutions – all designed to meet the individualized needs and demands of Calpine's customers and capture the benefits of the existing competitive wholesale energy environment to bring those benefits forward into to Pennsylvania's competitive retail electric market.

3. The name and address of Calpine's attorney is:

John F. Lushis, Jr. (I.D. No. 32400)
NORRIS McLAUGHLIN, P.A.
515 W. Hamilton Street, Suite 502
Allentown, PA 1810
Phone: (484) 765-2211
Fax: (484) 765-2270
jlushis@norris-law.com

4. Calpine is concerned with issues that affect competitive markets in Pennsylvania, including the structure of the default service, the procurement and implementation of default service supply and the product mix under the default service program, that could potentially harm or become a disincentive to create customized and innovative competitive retail electric products and services for its current and prospective customers.

5. Calpine intends to participate in this proceeding to the extent necessary to protect its interests and those of its customers. These interests cannot be adequately represented or protected by any other party.

6. As one of the nation's largest retail electric providers, Calpine's intervention is also in the public interest. Calpine possesses significant and unique knowledge, experience and resources with respect to the marketing of retail energy services, which will be helpful in developing a record on the reasonableness of the programs as presented. Moreover, without the opportunity to intervene, Calpine will be unable to participate in this proceeding but will nevertheless be bound by the actions taken by the Commission. Such actions may have a material impact on Calpine's operations, business and systems as well as its continued involvement in PECO's service territory as a retail EGS.

7. Calpine continues to review the Petition and the accompanying direct testimony and exhibits and has not yet definitively established its position on the matters presented therein. Calpine reserves the right to take positions and/or seek relief based on its review of the various filings, discovery responses or the positions taken by other parties in this proceeding,

8. The Commission's regulations permit intervention by a party that demonstrates an "interest which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding." 52 Pa. Code § 5.72 Calpine has a substantial and direct interest in this proceeding and satisfies the standards for intervention under these regulations.

WHEREFORE, Calpine Retail Holdings, LLC respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene, providing Calpine with full-party status in this proceeding, as well as any other relief as it deems necessary.

Respectfully submitted,
NORRIS McLAUGHLIN, P.A.

By /s/ John F. Lushis, Jr.
John F. Lushis, Jr. (I.D. No. 32400)
NORRIS McLAUGHLIN, P.A.
515 W. Hamilton Street, Suite 502
Allentown, PA 1810
Phone: (484) 765-2211
Fax: (484) 765-2270
jlushis@norris-law.com

Counsel to Calpine Retail Holdings, LLC

Dated: March 1, 2024