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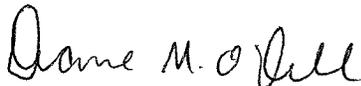
November 29, 2010

**Via Electronic Filing**Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265Re: Petition of PECO Energy Company for Approval of its Smart Meter Technology  
Procurement and Installation Plan – Petition for Approval of PECO Energy Company's  
Initial Dynamic Pricing and Customer Acceptance Plan, Docket No. M-2009-2123944

Dear Secretary Chiavetta:

On behalf of the Retail Energy Supply Association ("RESA") enclosed please find the original of its Petition to Intervene along with the electronic filing confirmation page with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely yours,



Deanne M. O'Dell, Esq.

DMO/lww  
Enclosure

cc: 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.

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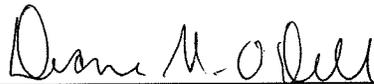
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Date: November 29, 2010

  
Deanne M. O'Dell, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of its Smart Meter Technology :  
Procurement and Installation Plan – : Docket No. M-2009-2123944  
Petition for Approval of PECO Energy :  
Company’s Initial Dynamic Pricing and :  
Customer Acceptance Plan :

**PETITION TO INTERVENE  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the Commission’s Secretarial Letter dated November 4, 2010, the Retail Energy Supply Association (“RESA”)<sup>1</sup> petitions to intervene in the Petition of PECO Energy Company (“PECO”) for Approval of its Smart Meter Technology Procurement and Installation Plan and Petition for Approval of PECO’s Initial Dynamic Pricing and Customer Acceptance Plan (collectively, the “Petitions”). In support of its intervention, RESA states as follows:

1. 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 EDCs, including the service territory of PECO.

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<sup>1</sup> RESA’s members include ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus; Reliant Energy Northeast LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

2. RESA's attorneys in this matter are:

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3. In its Petition, PECO sets forth its plans for concerning smart meters and dynamic pricing. PECO is proposing to offer two different rate options: Critical Peak Pricing ("CPP") and Time-of-Use ("TOU") Pricing. Residential customer (PECO Procurement Class 1) that are not enrolled in PECO's CAP program will be eligible for both the CPP and TOU rates. Small and medium C&I customers (PECO Default Service Procurement Classes 2 and 3) will be eligible for the CPP rate. PECO avers that it is using these rates to satisfy Act 129's "time of use" definition by reflecting the costs of serving customers during different time periods. PECO proposes to make these plan available only to default service customers and customers who receive generation service from a competitive supplier are not eligible to choose these products.

4. 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.

5. RESA meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As an organization whose members include EGSs licensed to do business in PECO's service territory, RESA has interests that will be directly affected by this proceeding. RESA is working towards the creation of vibrant and sustainable competitive retail energy markets in Pennsylvania. RESA desires enhancing and promoting competitive markets in Pennsylvania and has participated in numerous Commission proceedings concerning competitive markets. These experiences place RESA in a unique position to make a material contribution to the Commission's investigation of whether the products PECO proposes to offer to default service customers and not shopping customers will effectuate these goals. Given the dynamics of competitive issues, RESA's interests 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 these service territories in particular.

6. RESA's intervention is in the public interest. *See* 52 Pa. Code § 5.72(a)(3). 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.

7. RESA has participated in this proceeding in the past through the submission of comments to the Commission on the appropriateness of requiring PECO to implement the EDI HIU protocols.

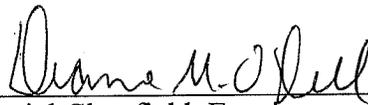
8. RESA members will be bound by the action of the Commission in this proceeding, which will determine PECO's smart meter technology and dynamic pricing terms and conditions. RESA members must compete against the PECO's rates, and their structure

could have a significant effect on the level of retail competition that will be experienced in PECO's market during this period and, thus, on the ability of RESA members to continue to do business in PECO's service territory.

9. At this time, RESA questions whether the availability of these products only to default service customers raises anticompetitive or discriminatory issues that may impact the development of a competitive market. RESA, however, continues to evaluate its position on PECO's proposed plans and will refine its position based on further study of the proposals, review of discovery and additional input from other parties.

WHEREFORE, the Retail Energy Supply Association respectfully requests that the Commission grant its Petition to Intervene in this matter.

Respectfully submitted,



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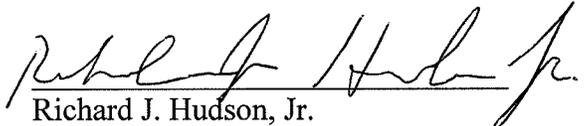
Attorneys for Retail Energy Supply Association

Date: November 29, 2010

**VERIFICATION**

I, Richard J. Hudson, Jr., hereby state that I am State Chairperson for the Retail Energy Supply Association and am authorized to make this verification on its behalf, and that the facts set forth in the in the attached Petition to Intervene are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 11/29/10

  
Richard J. Hudson, Jr.