

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of PECO Energy Company for)
Approval of Its Default Service Program)**

Docket No. P-2012-2283641

**PETITION TO INTERVENE OF
EXELON GENERATION COMPANY, LLC
AND EXELON ENERGY COMPANY**

Pursuant to 52 Pa. Code. § 5.71 *et seq.*, Exelon Generation Company, LLC and Exelon Energy Company (collectively, “ExGen”) hereby file this Petition to Intervene in the above-captioned proceeding. In support of this Petition, ExGen states as follows:

I. BACKGROUND

1. On January 13, 2012, PECO Energy Company filed a Petition for Approval of its Default Service Programs with the Pennsylvania Public Utility Commission (“Commission”).
2. By notice filed in the Pennsylvania Bulletin on Jan 18, 2012, the Commission directed that formal protests, petitions to intervene, and answers to PECO’s petition be filed with the Secretary of the Commission on or before February 13, 2012.
3. ExGen is filing this Petition to Intervene consistent with the Commission’s notice.

II. PETITION TO INTERVENE

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section provides, in relevant part, that “[a] petition to intervene may be filed by a person

claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.”¹

5. Section 5.72 further provides that the right or interest may be one “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.”²

6. ExGen owns or controls approximately 31,000 MW of generation supply and is a leading wholesale power marketer throughout the nation, including through participation in utility load auctions. Exelon Energy Company is a wholly owned subsidiary of ExGen and a licensed Electric Generation Supplier (“EGS”) in Pennsylvania.

7. Issues related to this Default Service proceeding may significantly affect the rules governing the provision of power in Pennsylvania. Accordingly, ExGen may be directly affected by this proceeding’s outcome and may be bound by any Commission decision herein with respect to the provision of electric retail default service and competitive procurement plans.

8. For these reasons, no other party can adequately represent ExGen’s interest in this proceeding. Thus, ExGen’s Petition to Intervene should be granted.

9. Because of the early stage of this proceeding, ExGen is still formulating its position on the proposed Default Service Plan and will finalize its position after it has had an opportunity to further study and evaluate the filings, conduct discovery, and obtain additional information as necessary.

¹ 52 Pa. Code § 5.72(a).

² 52 Pa. Code § 5.72(a)(2).

III. INFORMATION FOR SERVICE

10. ExGen is represented in the above-captioned matter by the following counsel, and all correspondence should be directed to them at the following addresses:

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With a copy to:

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IV. CONCLUSION

WHEREFORE, in consideration of the foregoing, ExGen respectfully requests that the Presiding Officer grant ExGen full status as an intervenor in this proceeding.

³ Concurrent with this Petition to Intervene, Mr. Trask has filed a Motion for Admission *Pro Hac Vice* for Mr. Mullooly and Mr. Stiles.

Dated: February 13, 2012

Respectfully submitted,

EXELON GENERATION COMPANY, LLC AND
EXELON ENERGY COMPANY

By: _____



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Exelon Generation Company, LLC and Exelon Energy Company's Petition to Intervene and Motion for Admission *Pro Hac Vice* in the above-captioned proceeding on the following as permitted by 52 Pa. Code § 1.54:

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GILBERTON PA 17934

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THE GALT COMPANY LLC
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UGI ENERGY SERVICES INC
SUITE 2C01
1 MERIDIAN BOULEVARD
WYOMISSING PA 19610

ULTIMATE ENERGY ADVISORS LLC
6922 FLINTCOVE DRIVE
DALLAS TX 75248

UNIFIED ENERGY ALLIANCE LLC

PO BOX 211
ARENDSVILLE PA 17303

UNIFIED ENERGY ALLIANCE LLC
3900 ESSEX SUITE 750
HOUSTON TX 77027

UNITIL RESOURCES INC
D/B/A USOURCE LLC
325 WEST ROAD
PORTSMOUTH NH 03801

UNITY ELECTRIC DISCOUNT LLC
5040 ORVERBROOK AVENUE
PHILADELPHIA PA 19131

UNIVERSITY OF PENNSYLVANIA
3451 WALNUT STREET SUITE 737
PHILADELPHIA PA 19104

US ENERGY PARTNERS LLC
D/B/A PAETEC ENERGY MARKETS
600 WILLOW BROOK OFFICE PARK
FAIRPORT NY 14450

US SUN ENERGY INC
1599 270TH AVENUE
MORA MN 55051

UTILITECH INC
3020 PENN AVENUE
WEST LAWN PA 19609

UTILITIES ANALYSES INC
SUITE 103
450 OLD PEACHTREE ROAD NW
ATLANTA GA 30024

UTILITIES RATES ANALYSTS
220 SOUTH 17TH STREET
CAMP HILL PA 17011

VERDE ENERGY USA INC
101 MERRITT 7 3RD FLOOR
NORWALK CT 06851

VIRIDIAN ENERGY PA LLC
64 NORTH MAIN STREET
NORWALK CT 06854

WASHINGTON GAS ENERGY
SERVICES INC
SUITE 200
13865 SUNRISE VALLEY DRIVE
HERNDON PA 20171

WINDSTREET ENERGY INC
157 NEW BRUNSWICK AVENUE
PERTH AMBOY NJ 08861

WINDSTAR SOLUTIONS LLC
6009 MENDOTA DRIVE
PLANO TX 75024

WORLD ENERGY SOLUTIONS INC
446 MAIN STREET
WORCESTER MA 01608

WORLEY & OBETZ INC
85 WHITE OAK ROAD
PO BOX 429
MANHEIM PA 17545

XENCOM GREEN ENERGY LLC
SUITE 3000
1609 PRECISION DRIVE
PLANO TX 75074

YOUR CHOICE ENERGY LLC
1616 BATCHELOR COURT
DUNEDIN FL 34698

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