

Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: 215.963.5000
Fax: 215.963.5001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Thomas P. Gadsden
Partner
215.963.5234
tgadsden@MorganLewis.com

October 11, 2012

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105-3265

**Re: Joint Petition Of Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company For Approval Of Their
Default Service Programs
Docket No. P-2011-2273650, Docket No. P-2011-2273668,
Docket No. P-2011-2273669 and Docket No. P-2011-2273670**

Dear Secretary Chiavetta:

On August 16, 2012, the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) entered an Opinion and Order in the above-captioned proceeding (the “August 16 Order”). In that Order, the Commission provided that Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (the “Companies”) should consult with other parties in this case to try to achieve a consensus proposal for the Commission’s approval that resolves three issues not decided by the August 16 Order, namely: (1) time of use (“TOU”) rates for West Penn and Penn Power (p. 93); (2) updating the customer notification, opt-in enrollment and customer assignment protocols to accommodate Commission-mandated changes in the Companies’ proposed Retail Opt-In Aggregation Program (“ROI Program”) (p. 109); and (3) the mechanism that should be used to recover the costs of the ROI Program and the Standard Offer Customer Referral Program (“Customer Referral Program”) (p. 136) (hereafter, the “Reserved Issues”). The August 16 Order further provided that such proposal should be filed with the Commission within sixty days of the entry of that Order.

Pursuant to the August 16 Order, the Companies held a series of meetings with individual interested parties and, based on the input they received, developed a detailed proposal addressing all of the Reserved Issues. That proposal was shared with the parties and was the subject of a

Rosemary Chiavetta
October 11, 2012
Page 2

lengthy collective meeting among the Companies and all interested parties. Although the parties were not able to achieve an agreement that would resolve all of the Reserved Issues, the parties unanimously agreed that the Companies' proposal established a framework which, with further deliberation and consultation, may likely produce consensus regarding many of the outstanding issues that can be offered for final approval by the Commission. Accordingly, in light of the impending expiration of the sixty-day period set by the Commission for a consensus proposal to be submitted for its consideration, the Companies, with the approval and support of all the parties, request that the Commission extend the consultative process for an additional thirty days, or until November 14, 2012, to allow the parties to attempt to achieve consensus on the Reserved Issues. (Additionally, by the Amended Order on Reconsideration entered today, the Commission assigned another issue to the consultative process, namely, the creditworthiness of electric generation suppliers offering a \$50 bonus in the ROI Program. Absent the extension requested herein, the parties would have less than two business days to consider and address that issue before the consultative process concludes.) If the parties reach consensus on less than all aspects of the Reserved Issues, the Companies and other interested parties will submit, along a stipulation of issues on which consensus is achieved, their respective proposals concerning any matters that remain unresolved.

The parties request that the Commission notify them by Secretarial Letter not later than the close of business on Friday, October 12, 2012, that it has approved the continuation of the consultative process for an additional thirty days.

Sincerely,



Thomas P. Gadsden

TPG/tp
Enclosures

- c: Per Certificate of Service
- Hon. Robert F. Powelson (via hand delivery)
 - Hon. John F. Coleman Jr. (via hand delivery)
 - Hon. James H. Cawley (via hand delivery)
 - Hon. Wayne E. Gardner (via hand delivery)
 - Hon. Pamela A. Witmer (via hand delivery)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|---------------------------------------|----------|-----------------------------------|
| JOINT PETITION OF METROPOLITAN | : | |
| EDISON COMPANY, PENNSYLVANIA | : | DOCKET NOS. P-2011-2273650 |
| ELECTRIC COMPANY, PENNSYLVANIA | : | P-2011-2273668 |
| POWER COMPANY AND WEST PENN | : | P-2011-2273669 |
| POWER COMPANY FOR APPROVAL OF | : | P-2011-2273670 |
| THEIR DEFAULT SERVICE PROGRAMS | : | |

CERTIFICATE OF SERVICE

I hereby certify and affirm that I have this day served copies of the foregoing **Letter to Rosemary Chiavetta, Secretary of the Pennsylvania Public Utility Commission, dated October 11, 2012 from Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company** upon the following persons, in the matter specified below, in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Honorable Elizabeth H. Barnes
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
ebarnes@pa.gov

Tanya J. McCloskey
Darryl A. Lawrence
Aron J. Beatty
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
tmccloskey@paoca.org
dlawrence@paoca.org
abeatty@paoca.org
cshoen@paoca.org

Daniel G. Asmus
Sharon E. Webb
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
dasmus@pa.gov
swebb@pa.gov

Benjamin L. Willey
Law Offices of Benjamin L. Willey, LLC
7272 Wisconsin Avenue, Suite 300
Bethesda, MD 20814
blw@bwilleylaw.com
ssp@bwilleylaw.com
Counsel for YCSWA

Daniel Clearfield
Deanne M. O'Dell
Carl R. Shultz
Jeffery J. Norton
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA 17101
dclearfield@eckertseamans.com
dodell@eckertseamans.com
cshultz@eckertseamans.com
jnorton@eckertseamans.com
*Counsel for RESA and Direct Energy
Services, LLC*

Charles D. Shields
Senior Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commerce Keystone Building
400 North Street, 2nd Floor
P.O. 3265
Harrisburg, PA 17105-3265
chshields@pa.gov
sgranger@pa.gov

Michael A. Gruin
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, PA 17101
mag@stevenslee.com
Counsel for WGES

Charis Mincavage
Susan E. Bruce
Vasiliki Karandrikas
Teresa K. Schmittberger
McNees, Wallace & Nurick, LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
sbruce@mwn.com
vkandrikas@mwn.com
tschmittberger@mwn.com
*Counsel for MEIUG/PICA/PPUG
and WPPH*

Anthony E. Gay
Assistant General Counsel
Exelon Business Services Company
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
anthony.gay@exeloncorp.com
Counsel for PECO Energy Co.

Divesh Gupta
Managing Counsel – Regulatory
Constellation Energy
100 Constitution Way, Suite 500C
Baltimore, MD 21202
divesh.gupta@constellation.com
*Counsel for Constellation NewEnergy,
Inc. and Constellation Energy
Commodities Group, Inc.*

Patrick M. Cicero
Harry S. Geller
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
Counsel for CAUSE-PA

Thomas McCann Mullooly
Trevor D. Stiles
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202
tmullooly@foley.com
tstiles@foley.com
*Counsel for Exelon Generation Company,
LLC and Exelon Energy Company*

Amy M. Klodowski
FirstEnergy Solutions Corp.
800 Cabin Hill Dr.
Greensburg, PA 15601
aklodow@firstenergycorp.com
Counsel for FirstEnergy Solutions Corp.

Charles E. Thomas, III
Thomas T. Niesen
Thomas, Long, Niesen & Kennard
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
cet3@thomaslonglaw.com
tniesen@thomaslonglaw.com
Counsel for ARIPPA

Todd S. Stewart
Hawke, McKeon & Sniscak LLP
P.O. Box 1778
100 N. Tenth Street
Harrisburg, PA 17105-1778
tsstewart@hmslegal.com
Counsel for Dominion Retail, Inc.

Brian J. Knipe
Buchanan Ingersoll & Rooney, PC
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503
brian.knipe@bipc.com
Counsel for FirstEnergy Solutions Corp.

Thomas J. Sniscak
William E. Lehman
Hawke, McKeon & Sniscak LLP
P.O. Box 1778
100 North Tenth Street
Harrisburg, PA 17105
tjsniscak@hmslegal.com
welehman@hmslegal.com
jlcris@aol.com
Counsel for PSU

VIA ELECTRONIC MAIL ONLY

David Fein
Vice President, Energy Policy
Director of Retail Energy Policy
Constellation Energy
550 W. Washington Blvd., Suite 300
Chicago, IL 60661
david.fein@constellation.com
*Counsel for Constellation NewEnergy, Inc.
and Constellation Energy Commodities
Group, Inc.*

Linda R. Evers
Stevens & Lee
111 North Sixth Street
P.O. Box 679
Reading, PA 19603
lre@stevenslee.com
Counsel for WGES

Phillip G. Woodyard
Vice President, WGES
13865 Sunrise Valley Drive
Herndon, VA 20171
pwoodyard@wges.com
Counsel for WGES

Telemac N. Chryssikos
WGES, Room 319
101 Constitution Ave., N.W.
Washington, DC 20080
tchryssikos@washgas.com
Counsel for WGES

Amy E. Hamilton
Director, Public Policy
Exelon Generation Co.
300 Exelon Way
Kennett Square, PA 19348
amy.hamilton@exeloncorp.com
*Counsel for Exelon Generation Company, LLC
and Exelon Energy Company*

Jeff A. McNelly,
ARIPPA Executive Director
2015 Chestnut Street
Camp Hill, PA 17011
jamcnelly1@arippa.org

Barbara Alexander
Consumer Affairs Consultant
83 Wedgewood Drive
Winthrop, ME 04364
barbalex@ctel.net

Robert D. Knecht
Industrial Economics, Inc.
2067 Massachusetts Avenue
Cambridge, MA 02140
rdk@indecon.com

Matthew I. Kahal
Steven L. Estomin
Exeter Associates, Inc.
10480 Little Patuxent Parkway
Suite 300
Columbia, MD 21044
mkahal@exeterassociates.com
sestomin@exeterassociates.com

Dave Vollero
Executive Director
York County Solid Waste and Refuse
Authority
2700 Blackbridge Road
York, PA 17406
d.vollero@ycswa.com

Robert M. Strickler
Griffith, Strickler, Lerman, Solymos & Calkins
110 S. Northern Way
York, PA 17402-3737
rstrickler@gslsc.com



Thomas P. Gadsden (Pa. No. 28478)
Kenneth M. Kulak (Pa. No. 75509)
Anthony C. DeCusatis (Pa. No. 25700)
Catherine G. Vasudevan (Pa. No. 210254)
Morgan Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5234 (bus)
215.963.5001 (fax)
tgadsden@morganlewis.com

*Counsel for Metropolitan Edison Company,
Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn
Power Company*

Dated: October 11, 2012