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January 4, 2016

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of PPL Electric Utilities Corporation For Approval of its Act 129 Phase III  
Energy Efficiency and Conservation Plan; Docket No. M-2015-2515642

Dear Secretary Chiavetta:

Enclosed please find the Retail Energy Supply Association's Petition to Intervene and Prehearing Memorandum in the above-referenced proceeding. All parties have been served in accordance with the attached Certificate of Service.

Sincerely,



Sarah C. Stoner

SCS/dsc

cc: Cert. of Service w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of the foregoing filing upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email and/or First Class Mail**

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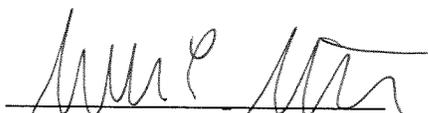
Date: January 4, 2016

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Sarah C. Stoner, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities : Docket No. M-2015-2515642  
Corporation For Approval of its Act 129 :  
Phase III Energy Efficiency and :  
Conservation Plan :  
:

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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, the public notices published in the Pennsylvania Bulletin on December 12, 2015 and the Prehearing Conference Order dated December 18, 2015, the Retail Energy Supply Association (“RESA”)<sup>1</sup> petitions to intervene in the Petition of PPL Electric Utilities Corporation (“PPL”) for Approval of its Act 129 Phase III Energy Efficiency and Conservation Plan. Even though RESA is filing this petition to intervene, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, given the importance of these issues, RESA is filing comments and recommendations for the Commission’s consideration as it issues a decision regarding PPL’s petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania. In support of its intervention, RESA states as follows:

1. On November 30, 2015, PPL filed a petition proposing to establish its Phase III Energy Efficiency and Conservation Plan and a related cost recovery mechanism.

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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).

2. By public notices published in the Pennsylvania Bulletin on December 12, 2015, the Commission established a deadline of January 4, 2015 for responsive pleadings, along with comments and recommendations. By Prehearing Conference Order dated December 18, 2015, Administrative Law Judge Susan D. Colwell scheduled an Initial Prehearing Conference for January 5, 2015 and directed parties and those intending to become parties to serve copies of their Prehearing Conference Memorandum on or before noon on Monday, January 4, 2016. RESA is simultaneously filing its Prehearing Conference Memorandum.

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 EDCs, including the service territory of PPL.

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 PPL’s service territory, RESA has interests that will be directly affected by this proceeding. The Competition Act requires the Commission to develop a functioning competitive retail energy market that enables consumers to receive supply from EGSs.<sup>2</sup> While the EDCs are required to provide energy efficiency and demand response programs, the Commission has specifically encouraged EGSs to provide energy efficiency offerings to increase the diversity of products and services and to aid in the reduction of energy consumption across the state.<sup>3</sup> If a result of the proposed EE&C Plan is to leave consumers with the misimpression (whether through marketing or the fact that the EE&C plan has operated for so long) that only the EDC offers these types of programs, then EDCs have an unfair competitive advantage. Likewise, failing to offer the benefits of the EE&C program on a competitively neutral basis can result in a competitive disadvantage for the EGSs. For these reasons, the ability of RESA’s members to offer energy efficiency and demand response programs to retail customers in PPL’s service territory will be specifically and directly affected by the outcome of this proceeding.

7. 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 PPL’s service

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<sup>2</sup> 66 Pa.C.S. §§ 2802(13), 2804(2).

<sup>3</sup> *RMI End State Order* at 82.

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.

8. RESA's members will be bound by the action of the Commission in this proceeding, which will determine PPL's Phase III Energy Efficiency and Conservation Plan.

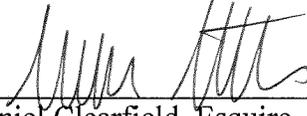
9. RESA's intervention is in the public interest. RESA's participation will enable it to contribute the unique perspectives and insights of a trade association representing multiple EGSs and complete presentation of the issues to be addressed in this proceeding. Even though RESA is filing this petition to intervene, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, given the importance of these issues, RESA is filing comments and recommendations for the Commission's consideration as it issues a decision regarding the Company's petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania. Additionally, it should be noted that RESA provided comments in response to the Commission's request for comments on the energy efficiency and conservation program requirements of Act 129, in the Phase I proceeding that led to the development of PPL's Phase I Energy Efficiency and Conservation Plan.<sup>4</sup>

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

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<sup>4</sup> *Extension of Comment Period for Energy Efficiency and Conservation Program and EDC Plans*, Docket No. M-2008-2069887 (Comments filed November 3, 2008).

Respectfully submitted,



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Attorney ID 313793

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Date: January 4, 2016

Attorneys for Retail Energy Supply Association

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities : Docket No. M-2015-2515642  
Corporation For Approval of its Act 129 :  
Phase III Energy Efficiency and :  
Conservation Plan :  
:

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**PREHEARING MEMORANDUM  
OF RETAIL ENERGY SUPPLY ASSOCIATION**

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Pursuant to 52 Pa. Code §§ 5.72-5.75, the public notice published in the Pennsylvania Bulletin on December 12, 2015, the Prehearing Conference Order dated December 18, 2015, and subject to the granting of Petition to Intervene being filed on this same date, the Retail Energy Supply Association (“RESA”)<sup>1</sup> submits this Prehearing Memorandum. At this time, RESA does not anticipate being actively involved in the litigation process due to resource constraints. However, RESA is filing comments and recommendations for the Commission’s consideration as it issues a decision regarding the Company’s petition and, more broadly, continues to implement energy efficiency and demand response programs in Pennsylvania.

**I. PRESENTLY IDENTIFIED ISSUES**

RESA is a trade association of retail energy suppliers who share the common vision that competitive retail electricity markets deliver a more efficient, customer-oriented outcome than does the monopoly-protected, rate-regulated utility structure. To that end, energy efficiency and demand response are best delivered by competitive retail suppliers offering market-based solutions

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rather than through regulated distribution companies. However, to the extent such products are offered through regulated distribution companies (as required by Act 129), then these EDC offerings should serve as a competitively neutral conduit for the competitive market. As set forth more fully in RESA's Comments and Recommendations, RESA submits that the Commission can better accomplish its goals of energy efficiency and demand response (both as offered by EDCs and EGSs) by ensuring that the EDC EE&C Plans identify and include ways to leverage the competitive market.

**II. WITNESSES**

At this time, RESA does not plan on presenting testimony in this matter.

**III. SERVICE OF DOCUMENTS**

RESA agrees to electronic service of all documents to the email addresses below with one (1) hard copy mailing of all documents sent to Eckert Seamans.

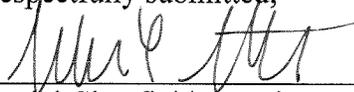
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[signature block appears on the next page]

Respectfully submitted,



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Date: January 4, 2016

Attorneys for Retail Energy Supply Association