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June 6, 2016

BY ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Filing Room
Harrisburg, PA 17120

**Re: *Petition of Duquesne Light Company
For Approval of Default Service Plan For The Period June 1, 2017 Through
May 31, 2021
Docket No. P-2016-2543140***

Dear Secretary Chiavetta:

Enclosed for filing in the above referenced matter please find the following documents on behalf of the Retail Energy Supply Association (RESA):

1. Notice of Appearance of Colleen P. Kartychak as counsel for RESA;
2. Petition to Intervene;
3. Prehearing Memorandum;
4. Motion For Admission *Pro Hac Vice* of Brian R. Greene, with a proposed Order; and
5. Verification Statement for Brian R. Greene.

Copies have been provided pursuant to the attached Certificate of Service.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Brian R. Greene'.

Brian R. Greene

BRG/wcd
Enclosures
c: Service List (see Certificate of Service)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company
for Approval of a Default Service Plan
for the Period June 1, 2017, through
May 31, 2021

* Docket No. P-2016-2543140
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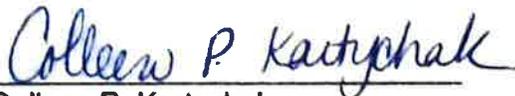
NOTICE OF APPEARANCE

Please enter my appearance in the above-captioned proceeding on behalf of the Retail Energy Supply Association. Please add me to the service list and provide a copy of each document issued hereafter by the Commission in this matter.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel



Colleen P. Kartychak
PA Attorney ID No. 91091
Consolidated Edison Solutions
698 Gamble Road
Oakdale, PA 15071
Tel: (215) 341-5273
Email: kartychakc@conedsolutions.com

Counsel to Intervenor Retail Energy Supply Association

Dated: June 6, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Docket No. P-2016-2543140

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

Pursuant to 52 Pa. Code §§ 5.72-5.75, the Retail Energy Supply Association ("RESA"),¹ by counsel, petitions to intervene in the above-captioned proceeding initiated by Duquesne Light Company ("Duquesne") for approval of its default service program ("DSP Petition"). In support of its intervention, RESA states as follows:

1. On or about May 2, 2016, Duquesne filed a petition for approval of a default service program for the period June 1, 2017 through May 31, 2021.
2. On May 23, 2016, the Commission issued a Prehearing Conference Order requiring that petitions to intervene be filed on or before June 6, 2016.
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 Duquesne.
4. RESA's counsel in this matter are:

¹ 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.

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Tel: 804.672.4542
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(Pro Hac Vice Motion Pending)

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 Duquesne's service territory, RESA has interests that will be directly affected by this proceeding. The ability of RESA's members to provide electric supply to retail customers in Duquesne's service territory will be specifically and substantially affected by the outcome of this proceeding, which will establish the terms and conditions under which Duquesne will acquire electric supply to serve its Default Service load from June 1, 2017 through May 31, 2021 and, thus, the rates against which RESA members must compete to sell electricity to retail customers in Duquesne's service territory.

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 Duquesne's service territory in particular. This is because RESA represents the interests of a diverse and broad group of EGSs in general, and not the interests of any individual member or EGS.

8. RESA's members will be bound by the action of the Commission in this proceeding, which will determine Duquesne's default service rates, terms and conditions for beginning June 2017 as well as the terms and conditions for the various retail market enhancement programs proposed by Duquesne.

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. It should be noted that RESA actively participated in most of the default service proceedings that developed the current default service plans for Duquesne.

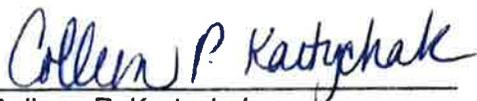
10. Due to the early stage of this proceeding, RESA reserves the right to raise and address issues identified through its continued review and analysis of Duquesne's DSP Petition (and related information), or other issues raised by other parties.

WHEREFORE, RESA requests that the Commission grant its Petition to Intervene.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel



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(Pro Hac Vice Motion Pending)

Counsel to Intervenor Retail Energy Supply Association

Dated: June 6, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company
for Approval of a Default Service Plan
for the Period June 1, 2017, through
May 31, 2021

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Docket No. P-2016-2543140

**PREHEARING MEMORANDUM
OF RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the Prehearing Conference Order dated May 7, 2014, and subject to the granting of the Petition to Intervene filed by the Retail Energy Supply Association ("RESA")¹ in the above captioned proceeding, RESA, by counsel, submits this Prehearing Memorandum.

I. REPRESENTATION

RESA's attorneys in this matter are:

Colleen P. Kartychak
PA Attorney ID No. 91091
Consolidated Edison Solutions
698 Gamble Road
Oakdale, PA 15071
Tel: (215) 341-5273
Email: kartychakc@conedsolutions.com

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1807 Libbie Avenue, Suite 102
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Tel: 804.672.4542
bgreene@greenehurlocker.com
(Pro Hac Vice Motion Pending)

RESA agrees to accept electronic service to all attorneys listed above to be followed up with one hard copy of the documents served.

II. PRESENTLY IDENTIFIED ISSUES

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

¹ 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.

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 electric distribution companies ("EDCs"), including the service territories of Duquesne Light Company ("Duquesne").

At this time, RESA has identified the following issues that should be examined in this proceeding:

- Whether Duquesne's overall default service supply plan is consistent with the Commission's regulations and the Public Utility Code, and whether the plan effectively promotes retail market development for the benefit of consumers in the Duquesne service territories. Analysis with respect to these issues is likely to include, but will not be limited to, an assessment of whether the plan will result in sufficiently market reflective default service prices so as to promote a level playing field for EGSs. This includes the length and/or laddering of Duquesne's wholesale contracts to procure default service supply for Residential as well as Small and Medium C&I customers.
- The appropriate PLC thresholds for customers taking Duquesne's hourly priced default service and medium C&I service.
- Duquesne's proposals regarding hourly priced default service.
- Duquesne's proposal regarding long-term solar default service wholesale contracts.

RESA continues to evaluate its position on the proposed default service plan and will refine its position based on further study of the proposals, review of discovery and additional input from other parties. RESA reserves the right to address other issues identified through its continued review and analysis of the filing or raised by other parties.

III. WITNESSES

At this time, RESA is still evaluating whether or not to present testimony in this matter. RESA reserves the right to present a witness as may be necessary depending on the course of the proceeding and will provide the Presiding Officer as well as the other parties in this matter reasonable notice if necessary. In all likelihood, RESA will present at least one witness. RESA

also reserves its right to add additional witnesses or change the identity of its witnesses at any time upon appropriate notice to the Presiding Officer and the parties.

IV. LITIGATION SCHEDULE AND DISCOVERY RULES

RESA is amenable to working with the other parties in this matter to adopt a reasonable litigation schedule and/or necessary modifications to the Commission's discovery rules.

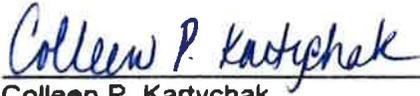
V. SETTLEMENT

RESA is willing to participate in settlement discussions with any party to narrow the issues in this matter.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel



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PA Attorney ID No. 91091
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(Pro Hac Vice Motion Pending)

Counsel to Intervenor Retail Energy Supply Association

Dated: June 6, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Docket No. P-2016-2543140

**MOTION FOR ADMISSION
PRO HAC VICE OF BRIAN R. GREENE**

Colleen P. Kartychak, Esquire, on behalf of Intervenor Retail Energy Supply Association (“RESA”), moves for the admission *pro hac vice* of Brian R. Greene, Esquire, to appear and participate on behalf of the Retail Energy Supply Association in this proceeding.

In support of this Motion, Ms. Kartychak states the following:

1. Ms. Kartychak is a member in good standing of the Bar of the Supreme Court of Pennsylvania, holding ID No. 91091.

2. Brian R. Greene is an attorney duly licensed in the Commonwealth of Virginia (holding Bar No. 38215), in the District of Columbia (holding Bar No. 450954), and in the State of Maryland.¹ Mr. Greene’s address, telephone number, fax number, and email address are as follows:

Brian R. Greene
GreeneHurlocker, PLC
1807 Libbie Avenue, Suite 102
Richmond, Virginia, 23226
Tel: 804.672.4542
bgreene@greenehurlocker.com

¹ The Maryland Bar Association does not assign bar numbers to Maryland lawyers. Virginia’s rules governing *pro hac vice* motions treat the matter this way: Maryland lawyers, when applying to appear *pro hac vice* in Virginia, must substitute their Maryland Client Protection Fund (MCPF) identifying number in place of a Bar number. Assuming that Pennsylvania would treat the matter in a manner similar to Virginia, Mr. Greene’s MCPF number is 9512120319.

3. Mr. Greene is not now, and has never been, under any order of discipline by any disciplinary board and presently is a member of good standing of the Bars of the Commonwealth of Virginia, the District of Columbia, and the State of Maryland.

4. Mr. Greene is of good moral and professional character and, if required, will swear and affirm that he will demean himself as an attorney and counselor of this Court, uprightly and according to the law, and that he will support the Constitution of the United States.

5. After reasonable investigation, I believe Mr. Greene to be a reputable and competent attorney, and I am in a position to recommend his admission.

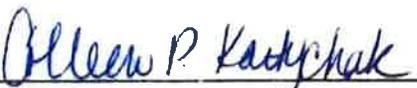
6. The proceeds from the settlement of a cause of action in which Mr. Greene is admitted *pro hac vice* shall be received, held, and distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

WHEREFORE, it is respectfully requested that Brian R. Greene be permitted to practice *pro hac vice* before the Pennsylvania Public Utility Commission in this proceeding.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel


Colleen P. Kartychak
PA Attorney ID No. 91091
Consolidated Edison Solutions
698 Gamble Road
Oakdale, PA 15071
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Email: kartychakc@conedsolutions.com

Counsel to Intervenor Retail Energy Supply Association

Dated: June 6, 2016

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**ORDER GRANTING MOTION FOR ADMISSION
PRO HAC VICE OF BRIAN R. GREENE**

Upon consideration of the Motion for Admission *Pro Hac Vice* of Brian R. Greene, it
is this ___ day of _____, 2016,

ORDERED, that the Motion is hereby GRANTED, and it is further

ORDERED, that Brian R. Greene is admitted *pro hac vice* for the purposes of
representing the Retail Energy Supply Association in the above-captioned proceeding.

Honorable Conrad A. Johnson
Administrative Law Judge

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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VERIFICATION STATEMENT BY BRIAN R. GREENE

1. I am an attorney at law duly licensed in the Commonwealth of Virginia, (holding Bar No. 38215), in the District of Columbia, (holding Bar No. 450954), and in the State of Maryland.¹
2. I have never been suspended, disbarred, or otherwise disciplined in the Commonwealth of Virginia, the District of Columbia, or the State of Maryland.
3. I shall comply with and be bound by the applicable statutes, case law, and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct.
4. I shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during my appearance in this matter.
5. I have previously been admitted *pro hac vice* in six matters before the Pennsylvania Public Utilities Commission. Three of those matters involved PECO Energy Company, and the docket numbers were: P-2008-2062739, P-2008-2062740, and P-2008-2062741. The fourth, fifth, and sixth matters were prior default service proceeding involving

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Duquesne Light Company, docket numbers P-2009-2135500, P-2012-2301664, and P-2014-2418242.

6. I consent to the appointment of Colleen P. Kartychak, Esquire, of Consolidated Edison Solutions, as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in this matter.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel



Brian R. Greene
GreeneHurlocker, PLC
1807 Libbie Avenue, Suite 102
Richmond, Virginia, 23226
Tel: 804.672.4542
bgreene@greenehurlocker.com

Counsel to the Retail Energy Supply Association

Dated: June 6, 2016

**Petition of Duquesne Light Company
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CERTIFICATE OF SERVICE

I certify that a copy of the following documents were sent via electronic mail and/or first class mail on June 6, 2016 to the following service list:

1. Notice of Appearance of Colleen P. Kartychak as counsel for RESA;
2. Petition to Intervene;
3. Prehearing Memorandum;
4. Motion For Admission *Pro Hac Vice* of Brian R. Greene, with a proposed Order; and
5. Verification Statement for Brian R. Greene.

Service List:

The Honorable Conrad A. Johnson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

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Brian R. Greene