

Karen O. Moury
717.237.6036
kmoury@eckertseamans.com

May 4, 2018

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission v. PECO Energy Company,
Office of Consumer Advocate v. PECO Energy Company
Office of Small Business Advocate v. PECO Energy Company
Docket Nos. R-2018-3000164; C-2018-3001112; C-2018-3001043

Dear Secretary Chiavetta:

Enclosed for electronic filing please find NRG Energy, Inc. ("NRG") Prehearing Conference Memorandum with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,



Karen O. Moury

KOM/lww
Enclosure

cc: Hon. Christopher P. Pell w/enc.
Hon. F. Joseph Brady w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of NRG Energy's Prehearing Conference Memorandum 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

Romulo L. Diaz, Jr., Esq.
Jack R. Garfinkle, Esq.
W. Craig Williams, Esq.
Michael S. Swerling, Esq.
PECO Energy Company
2301 Market St.
P.O. Box 8699
Philadelphia, PA 19101
Romulo.diaz@exeloncorp.com
Jack.garfinkle@exeloncorp.com
Craig.williams@exeloncorp.com
Michael.swerling@exeloncorp.com

Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Morgan Lewis & Bockius LLP
1701 Market St.
Philadelphia, PA 19103
Ken.kulak@morganlewis.com
Anthony.decusatis@morganlewis.com

Carrie B. Wright, Esq.
Bureau of Investigation & Enforcement
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265
carwright@pa.gov


Elizabeth Rose Triscari, Esq.
Office of Small Business Advocate
300 North Second St., Suite 202
Harrisburg, PA 17101
etriscari@pa.gov

Christy M. Appleby, Esq.
Hayley Dunn, Esq.
Aron J. Beatty, Esq.
Office of Consumer Advocate
555 Walnut St., 5th Fl., Forum Place
Harrisburg, PA 17101-1923
cappleby@paoca.org
hdunn@paoca.org
abeatty@paoca.org

Patrick M. Cicero, Esq.
Elizabeth R. Marx, Esq.
Kadeem G. Morris, Esq.
118 Locust St.
Harrisburg, PA 17101
pulp@palegalaid.net

Scott J. Rubin, Esq.
333 Oak Lane
Bloomsburg, PA 17815
Scott.j.rubin@gmail.com

Charles T. Joyce, Esq.
Spear Wilderman, P.C.
230 South Broad St., Suite 140
Philadelphia, PA 19102
ctjoyce@spearwilderman.com



Karen O. Moury, Esq.

Dated: May 4, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	R-2018-3000164
Office of Consumer Advocate	:	C-2018-3001112
Office of Small Business Advocate	:	C-2018-3001043
v.	:	
	:	
PECO Energy Company	:	

**PREHEARING CONFERENCE MEMORANDUM OF
NRG ENERGY, INC.**

NRG Energy, Inc. (“NRG”) by and through its counsel, submits the following Prehearing Conference Memorandum pursuant to Section 5.222 of the regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5.222, and the Prehearing Conference Order dated April 20, 2018 in connection with the above-captioned base rate proceeding initiated by PECO Energy Company (“PECO or “Company”) on March 29, 2018.

I. BACKGROUND

NRG has four affiliate companies that are licensed by the Commission as electric generation suppliers (“EGSs”) and are providing electricity or electric generation services to retail customers in PECO’s service territory.¹ PECO initiated this proceeding on March 29, 2018 by the filing of Tariff Electric – Pa. PUC No. 6, seeking a base rate increase of approximately \$82 million. By Order entered on April 19, 2018, the Commission suspended the base rate filing for investigation until December 28, 2018. The Commission issued a Prehearing Conference Notice dated April 20, 2018 scheduling a prehearing conference for May 8, 2018 at 9:30 a.m.

¹ *Reliant Energy Northeast LLC d/b/a NRG Home and NRG Business*, Docket No. A-2010-2192350 (December 2, 2010); *Green Mountain Energy Company*, Docket No. A-2011-2229050 (February 16, 2012); *Energy Plus Holdings LLC*, Docket No. A-2009-2139745 (January 15, 2010); *Independence Energy Group d/b/a/ Cirro Energy*, Docket No. A-2011-2262337 (October 31, 2011).

By Prehearing Order dated April 20, 2018, Deputy Chief Administrative Law Judge Christopher P. Pell and Administrative Law Judge F. Joseph Brady directed the filing of prehearing memoranda no later than 12:00 p.m. on May 4, 2018. This Prehearing Conference Memorandum is filed in accordance with that directive.

II. SERVICE OF DOCUMENTS

NRG requests that all documents be served on:

Karen O. Moury
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
Telephone: 717.237.6000
Fax: 717.237.6019

NRG agrees to receive electronic service of documents in this proceeding and does not require hard copies to follow. If materials are disseminated electronically, it is requested that copies be sent to kmoury@eckertseamans.com.

III. DISCOVERY

NRG proposes no changes to the discovery periods established by the Commission's regulations but is amenable to changes proposed by the other parties.

IV. PROPOSED SCHEDULE

NRG will work with the parties to propose a procedural schedule for this proceeding.

V. WITNESSES

NRG has not yet identified a witness for this proceeding. However, NRG will identify any witness(es) within a reasonable period of time prior to serving testimony or the commencement of evidentiary hearings.

VI. PUBLIC INPUT HEARINGS

NRG takes no view on whether public input hearings should be scheduled and defers to the Company and other parties to discuss those issues.

VII. PROTECTIVE ORDER

NRG will abide by any Protective Order that is issued in this proceeding.

VIII. ISSUES

Based upon a preliminary review of the filing, NRG has identified issues that it wishes to further pursue through the review of discovery responses, including: 1) PECO's proposed Electric Vehicle Direct Current Fast Charger Pilot Rider; 2) several initiatives that PECO has implemented to improve the direct billing relationship it has with its distribution customers; 3) proposed modifications to net metering eligibility; 4) PECO's proposed allocation of costs to distribution functions that are related to the provision of default service and should be removed from distribution charges; and 5) proposals to streamline the interconnection process for distributed generation technologies. NRG reserves the right to raise other issues that it identifies as it continues to review the filing and discovery responses provided by PECO.

NRG's position on these and other issues will focus on the importance of ensuring that ratepayer funds are not subsidizing products and services that are already provided in the competitive retail market or are more appropriately offered by EGSs participating in that market. Also, to the extent that PECO is allocating costs to distribution functions that are related to the provision of default service, its price to compare does not reflect such costs and is artificially low, making it more difficult for NRG's affiliate EGSs to present competitive offers to consumers. Finally, NRG will examine billing initiatives implemented or proposed by PECO

that strengthen its relationship with its distribution customers and its role as “the energy company,” when it should be EGSs in a competitive retail market that have that direct relationship and opportunities to provide innovative products and services to consumers.

IX. SETTLEMENT

NRG is willing to engage in settlement discussions with the parties, with the objective of achieving a mutually acceptable resolution of this matter, subject to the Commission’s approval.

Respectfully submitted,



Karen O. Moury, Esq. (PA ID #36879)
ECKERT SEAMANS CHERIN & MELLOTT, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
Telephone: 717.237.6000
Fax: 717.237.6019

Date: May 4, 2018

Attorneys for NRG Energy, Inc.