



Eckert Seamans Cherin & Mellott, LLC  
213 Market Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17101

TEL: 717 237 6000  
FAX: 717 237 6019

Karen O. Moury, Esq.  
717.237-6036  
kmoury@eckertseamans.com

March 4, 2024

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Re: Petition of PECO Energy Company for Approval of its Default Service Program for the Period of June 1, 2025, through May 31, 2029 – Docket No. P-2024-3046008

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the NRG Energy Inc.'s ("NRG") Petition to Intervene with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

*Karen O. Moury*  
Karen O. Moury

KOM/lww  
Enclosure

cc: Hon. Eranda Vero w/enc.  
Hon. Arlene Ashton w/enc.  
Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of NRG Energy's Petition to Intervene upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### **Via Email Only**

Brandon J. Pierce, Esq.  
PECO Energy Company  
2301 Market Street S23-1  
Philadelphia, PA 19103  
[Brandon.pierce@exeloncorp.com](mailto:Brandon.pierce@exeloncorp.com)

Allison C. Kaster, Esq.  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120  
[akaster@pa.gov](mailto:akaster@pa.gov)

Kenneth M. Kulak, Esq.  
Mark Lazaroff, Esq.  
Catherine G. Vasudevan, Esq.  
Brooke E. McGlinn, Esq.  
Morgan, Lewis & Bockius LLP  
2222 Market Street  
Philadelphia, PA 19103-3007  
[Ken.kulak@morganlewis.com](mailto:Ken.kulak@morganlewis.com)  
[Mark.Lazaroff@morganlewis.com](mailto:Mark.Lazaroff@morganlewis.com)  
[Catherine.vasudevan@morganlewis.com](mailto:Catherine.vasudevan@morganlewis.com)

Elizabeth R. Marx, Esq.  
John Sweet, Esq.  
Ria Pereira, Esq.  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101  
[emarx@pautilitylawproject.org](mailto:emarx@pautilitylawproject.org)  
[jsweet@pautilitylawproject.org](mailto:jsweet@pautilitylawproject.org)  
[rpereira@pautilitylawproject.org](mailto:rpereira@pautilitylawproject.org)

Steven C. Gray, Esq.  
Rebecca Lyttle, Esq.  
Office of Small Business Advocate  
555 Walnut Street  
1st Floor, Forum Place  
Harrisburg, PA 17101 1923  
[sgray@pa.gov](mailto:sgray@pa.gov)  
[relyttle@pa.gov](mailto:relyttle@pa.gov)

Charis Mincavage, Esq.  
Adeolu A. Bakare, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
[cmincavage@mcneeslaw.com](mailto:cmincavage@mcneeslaw.com)  
[abakare@mcneeslaw.com](mailto:abakare@mcneeslaw.com)

Christopher O'Hara, Esq.  
Senior Vice President, General Counsel  
PJM Interconnection  
2750 Monroe Boulevard  
Audubon, PA 19403-2497  
[Christoper.ohara@pjm.com](mailto:Christoper.ohara@pjm.com)

John F. Lushis, Jr., Esq.  
Norris McLaughlin, P.A.  
515 West Hamilton St., Suite 502  
Allentown, PA 18101  
[jlushis@norris-law.com](mailto:jlushis@norris-law.com)

Gregory L. Peterson, Esq.  
Phillips Lytle LLP  
201 West Third Street, Suite 205  
Jamestown, NY 14701-4907  
[gpeterson@phillipslytle.com](mailto:gpeterson@phillipslytle.com)

Barrett C. Sheridan, Esq.  
Andrew J. Zerby, Esq.  
Office of Consumer Advocate 555 Walnut  
Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
[bsheridan@paoca.org](mailto:bsheridan@paoca.org)  
[azerby@paoca.org](mailto:azerby@paoca.org)

Devin McDougall  
Rebecca Barker  
Clean Energy Program  
Philadelphia Office  
1617 John F. Kennedy Blvd., Suite 2020  
Philadelphia, PA 19103  
[dmcgougall@earthjustice.org](mailto:dmcgougall@earthjustice.org)  
[rbarker@earthjustice.org](mailto:rbarker@earthjustice.org)

Robert W. Ballenger, Esq.  
Joline R. Price, Esq.  
Community Legal Services  
1424 Chestnut St.  
Philadelphia, PA 19102  
[rballenger@clsphila.org](mailto:rballenger@clsphila.org)  
[jprice@clsphila.org](mailto:jprice@clsphila.org)

Thomas F. Puchner , Esq.  
Phillips Lytle LLP  
30 South Pearl Street  
Albany, NY 12207-1537  
[tpuchner@phillipslytle.com](mailto:tpuchner@phillipslytle.com)

Joseph Otis Minott, Esq.  
Ernest Logan Welde, Esq.  
Clean Air Counsel  
135 South 19th Street, Suite 300  
Philadelphia, PA 19103  
[Joe\\_minott@cleanair.org](mailto:Joe_minott@cleanair.org)  
[lwelde@cleanair.org](mailto:lwelde@cleanair.org)

Date: March 4, 2024

*Karen O. Moury*

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Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :  
for Approval of Its Default Service Plan : Docket No. P-2024-3046008  
for the Period from June 1, 2025 Through :  
May 31, 2029 :

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**PETITION TO INTERVENE  
OF NRG ENERGY, INC.**

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Pursuant to 52 Pa. Code §§ 5.72-5.75 and the public notice published in the *Pennsylvania Bulletin* on February 17, 2024, NRG Energy, Inc. (“NRG”) petitions to intervene in the Petition of PECO Energy Company (“PECO” or the “Company”) for Approval of its Default Service Program (“DSP Petition”). In support of its intervention, NRG states as follows:

1. On February 2, 2024, the Company filed a petition with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) proposing to establish the terms and conditions under which it will procure default service supplies, provide default service to non-shopping customers, satisfy requirements imposed by the Alternative Energy Portfolio Standards Act (“AEPS Act”)<sup>1</sup> and recover all associated costs on a full and current basis for the period from June 1, 2025 through May 31, 2029.
2. By public notice published in the *Pennsylvania Bulletin* on February 17, 2024, the Commission established a deadline of March 4, 2024 for formal protests, petitions to intervene and answers. A telephonic prehearing conference has been scheduled for March 8, 2024 before Administrative Law Judges Eranda Vero and Arlene Ashton.

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<sup>1</sup> 73 P.S. §§ 1648.1-1648.8 and related provisions of 66 Pa. C.S. §§ 2813-2814.

3. NRG is a leading integrated energy and home services company built on dynamic retail brands and diverse generation assets, powered by its customer-focused strategy, strong balance sheet, and comprehensive sustainability framework. A Fortune 500 company, NRG brings the power of energy to millions of North American customers. Its family of brands help people, organizations and businesses achieve their goals by leveraging decades of market expertise to deliver tailored solutions. Working in concert, its dynamic multi-brand retail strategy coupled with its supply risk-management forms a uniquely positioned, integrated competitive energy provider. NRG's retail brands serve more than six million customers across North America, including a significant share in Pennsylvania, so significant, in fact, that NRG has two offices – in Philadelphia and Pittsburgh – that support its retail business. NRG's subsidiaries include electric generation suppliers (“EGSs”) that serve customers in PECO's service territory.<sup>2</sup>

4. NRG's attorneys in this matter are:

Karen O. Moury, Esquire  
Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8th Floor  
Harrisburg, PA 17101  
717.237.6000  
Fax 717.237.6019  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)  
[dodell@eckertseamans.com](mailto:dodell@eckertseamans.com)

Lauren M. Burge, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor

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<sup>2</sup> As EGSs in Pennsylvania, NRG subsidiaries hold licenses as follows: Direct Energy Business, LLC – Docket No. A-11025; Direct Energy Business Marketing, LLC – Docket No. A-2013-2368464; Direct Energy Services, LLC – Docket No. A-110164; Energy Plus Holdings LLC – Docket No. A-2009-2139745; Gateway Energy Services Corporation – Docket No. A-2009-2137275; Independence Energy Group LLC d/b/a Cirro Energy – Docket No. A-2011-2262337; Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business/NRG Retail Solutions – Docket No. A-2010-2192350; Green Mountain Energy Company – Docket No. A-2009-2139745; Stream Energy Pennsylvania, LLC – Docket No. A-2010-2181867; and XOOM Energy Pennsylvania, LLC – Docket No. A-2012-2283821.

Pittsburgh, PA 15219  
412.566.2146  
Fax 412.566.6099  
[lburge@eckertseamans.com](mailto:lburge@eckertseamans.com)

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. NRG meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As NRG subsidiaries actively serve retail electric consumers in the Company's service territory, NRG has interests that will be directly affected by this proceeding.<sup>3</sup> NRG's ability to provide electric supply to retail customers in the Company's service territory will be specifically and substantially affected by the outcome of this proceeding, which will establish the terms and conditions under which the Company will acquire electric supply to serve its Default Service load from June 1, 2025 through May 31, 2029 and, thus, the rates against which NRG must compete to sell electricity to retail customers in the Company's service territory.

7. In addition, the Petition addresses various issues that will directly affect the NRG's provision of competitive alternative service to retail customers. This includes PECO's proposal to add a chart to the first page of the residential customer bill comparing the customer's total EGS charges for the billing period to the amount that charges would be under the Company's Price to Compare based on the customer's usage during the billing period. In

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<sup>3</sup> See *Respond Power, LLC v. Pa. Public Utility Commission*, 250 A.3d 547 (Pa. Cmwlth. 2021).

addition, PECO is proposing revisions related to its wholesale procurement processes for acquiring default service supply such as incorporating a Capacity Proxy Price (“CPP”) mechanism and doubling the amount of solar Alternative Energy Credits (“AECs”) procured through long-term purchase agreements which may have a negative impact on the ability of competitive suppliers to acquire and price supply products for retail customers.

8. NRG’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 the Company’s service territory in particular. As each of NRG’s brands has its own value proposition and offers products and services aimed at delivering that value to customers, NRG’s interests and perspectives are unique.

9. NRG subsidiaries will be bound by the action of the Commission in this proceeding, which will determine the Company’s default service rates, terms and conditions beginning June 2025 as well as the terms and conditions for the various retail market enhancement programs proposed by the Company.

10. NRG’s intervention is in the public interest. NRG’s participation will enable it to contribute the unique perspectives and insights of its subsidiaries operating as licensed EGSs in the Company’s service territory and offer a complete presentation of the issues to be addressed in this proceeding. It should be noted that NRG actively participated in the most recent default service proceeding that developed PECO’s current default service plan as well as prior default service proceedings involving the Company.

11. NRG is reviewing the Company’s filing and will be identifying issues to be addressed in this proceeding. Due to the early stage of this proceeding, NRG reserves the right

to raise and address issues identified through its continued review and analysis of the Company's filing (and related information), or other issues raised by other parties.

**WHEREFORE**, NRG respectfully requests that the Commission grant its Petition to Intervene.

Respectfully submitted,

*Karen O. Moury*

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Karen O. Moury, Esquire (PA I.D. No. 36879)  
Deanne M. O'Dell, Esquire (PA I.D. No. 81064)  
213 Market St., 8th Floor  
Harrisburg, PA 17101  
717.237.6000  
Fax 717.237.6019

Lauren M. Burge, Esquire (PA I.D. No. 311570)  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219  
412.566.2146  
Fax 412.566.6099

Date: March 4, 2024

Attorneys for NRG Energy, Inc.