

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 234-1090 Fax (717) 234-1099
www.stevenslee.com

DIRECT DIAL: (717) 255-7364
EMAIL: RLH@STEVENSLEE.COM
Direct Fax: (610) 988-0851

September 30, 2009

Secretary James McNulty
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: **Petition of PPL Electric Utilities Corporation Requesting Approval of a Voluntary
Purchase of Accounts Receivables Program and Merchant Function Charge**
Docket No. P-2009-2129502

Dear Secretary McNulty:

Enclosed for filing please find the Petition to Intervene of FirstEnergy Solutions Corp. in the above-captioned matter. This Petition was filed electronically today. Copies have been served in accordance with the attached Certificate of Service.

If you have questions, please do not hesitate to contact me.

Sincerely,

STEVENS & LEE



Renardo L. Hicks

Enclosures

cc: ALJ Louis Cocheres (via email and electronic mail)
Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION OF PPL ELECTRIC UTILITIES :
CORPORATION REQUESTING APPROVAL :
OF A VOLUNTARY PURCHASE OF : Docket No. P-2009-2129502
ACCOUNTS RECEIVABLES PROGRAM :
AND MERCHANT FUNCTION CHARGE :

**PETITION TO INTERVENE OF
FIRSTENERGY SOLUTIONS CORP.**

AND NOW, comes FirstEnergy Solutions Corp., (“FES”) by and through its counsel, Stevens & Lee, and hereby files this Petition to Intervene in the above-captioned matter pursuant to 52 Pa. Code §§ 5.71 – 5.76. In support of its Petition to Intervene, FES states the following:

1. On or about September 10, 2009, PPL Electric Utilities, Inc. (“PPL”) filed the above-captioned Petition seeking to implement a purchase of receivables program (“POR”) and a merchant function charge (“MFC”). PPL’s filing would create a new POR program for the year 2010. The POR and MFC, if implemented as proposed, will have a direct effect on the retail rates charged by PPL, and will also impact the offers made by retail suppliers, including FES.

2. FES is a subsidiary of FirstEnergy Corp., a diversified energy services holding company headquartered in Akron, Ohio. FES provides wholesale and retail energy and related products to customers located primarily in the Mid-Atlantic and Midwest regions of the United States.

3. The principal place of business of FES is:

FirstEnergy Solutions Corp.
341 White Pond
Akron, OH 44320

4. FES is a licensed electric generation supplier (“EGS”) in the Commonwealth of Pennsylvania, pursuant to 66 Pa. C.S. § 2809, having been authorized at Docket No. A-110078 to serve retail customers throughout Pennsylvania, including the service territory of PPL. FES recently submitted comments regarding the Commission’s Tentative Order in the matter of *PPL Electric Utilities Corporation Retail Markets at Docket No.M-2009-2104271*.

5. FES also participated in PPL’s Competitive Bridge Plan filing which established the parameters for service to begin January 1, 2010.

6. Intervention in Commission proceedings is governed by the Commission’s regulation at 52 Pa. Code § 5.72, which provides, in pertinent part, that a person is eligible to intervene upon a showing that it has an interest in the matter “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding” or such other interest as to which participation “may be in the public interest.”

7. As a licensed EGS that is currently able to provide service in the PPL service territory, FES presently intends to provide such service beginning January 1, 2010. Consequently, FES has an interest in the above-captioned proceeding that will be directly affected and which cannot be adequately represented by any other participant, and as to which FES may be bound by the action of the Commission in this proceeding.

8. FES is represented by the following counsel in this matter:

Renardo L. Hicks
PA Attorney ID No. 40404
Stevens & Lee
17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 255-7364
(717)234-1099 (fax)
rlh@stevenslee.com

FES' counsel is authorized to accept service on behalf of FES in this proceeding. FES requests that the Commission and all parties of record serve the above-listed counsel with copies of all documents, including all discovery requests and answers, correspondence, Commission Orders and any other documents issued in the above-captioned matter.

9. FES has concerns regarding PPL's filing in this matter and its implementation of the Commission's Tentative Order. FES is concerned that the proposed residential customer discount of 1.37% is too large and does not satisfy the Commission guideline of "little or no discount" as set forth in the Tentative Order. 39 Pa.B. 23 at 2916 (June 6, 2009). This discount will have a direct and substantial impact on the competitiveness of offers from FES.

10. FES also has concerns regarding whether the proposed plan is indeed voluntary as suggested by PPL in its filing. The POR program is purportedly designed to be a voluntary program, yet PPL proposes to force EGSs that take advantage of consolidated EDC billing to also participate in the POR program. This requirement is inconsistent with the spirit of a voluntary program. The POR program and consolidated EDC billing are two separate programs and should not be linked together. Forcing an EGS to participate in the POR program creates a disincentive to an EGS that is able to

control uncollectible expenses at a rate in excess of the POR program discount rate and who could otherwise have a competitive advantage.

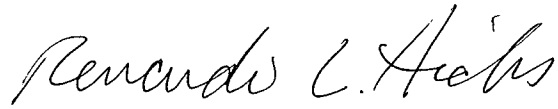
11. FES is also concerned about the credit check provision of the proposed POR program, relative to the temporary nature of the filing. The proposed POR program as set forth in Appendix A to PPL's Petition, by its own terms would terminate as of December 31, 2010. PPL has reserved the right to continue the POR program under terms and conditions that it deems appropriate. Despite this temporary nature, PPL demands that suppliers abandon their credit policies and "accept all applicable customers without performing credit checks or requiring additional deposits." Petition at ¶ 43. FES expects the majority of EGS contracts signed with customers to extend beyond December 31, 2010. Being forced to accept all customers, regardless of credit, leaves an EGS exposed to increased credit risk should PPL significantly change the terms of the program starting January 1, 2011. Due to this uncertainty, an EGS must be allowed to perform a credit check on any customer that signs a contract that continues beyond December 31, 2010.

12. FES also intends to raise any other issues that become apparent during the course of this proceeding.

13. The public interest demands that FES be afforded the opportunity to be heard in this proceeding. 52 Pa. Code § 5.72(a)(3).

WHEREFORE, FES respectfully requests that its Petition to Intervene in the above-captioned proceeding be granted and that it be allowed full party status in this matter.

Respectfully submitted,



Renardo L. Hicks
PA Attorney ID No. 40404
Michael A. Guin
PA Attorney ID No. 78625
Judith D. Cassel
PA Attorney ID No. 209393
Stevens & Lee
17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 255-7364
(717)234-1099 (fax)
rlh@stevenslee.com

Counsel for FirstEnergy Solutions Corp.

Dated: September 30, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities	:	
Corporation Requesting Approval of a	:	
Voluntary Purchase of Accounts	:	Docket No. P-2009-2129502
Receivables Program and Merchant	:	
Function Charge	:	

VERIFICATION

I, Sharon L. Noewer, hereby declare that I am Manager, Market Intelligence, FirstEnergy Solutions Corp.; that as such I am authorized to make this Verification on behalf of FirstEnergy Solutions Corp.; that the facts set forth in the documents included herein are true and correct to the best of my knowledge, information and belief; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

Date: September 30, 2009



Sharon L. Noewer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

David B. MacGregor
Post & Schell, P.C.
1600 JFK Blvd.
Philadelphia, PA 19103-2808

Anthony Kanagy
Post & Schell, P.C.
17 N. 2nd St., 12th Fl
Harrisburg, PA 17101-1601

Paul E. Russell
Associate General Counsel
PPL Services Corporation
Two North Ninth St
Allentown, PA 18101

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Office of Small Business Advocate
Commerce Building
300 North Second Street, Suite 1102
Harrisburg, PA 17101

Office of Trial Staff
Commonwealth Keystone Building
400 North Street, 2nd Floor West
PO Box 3265
Harrisburg, PA 17105-3265

Amerada Hess Corporation
1 Hess Plaza
Woodbridge, NJ 07095-0961

Dominion Retail
c/o Todd S. Stewart
Hawke McKeon & Sniscak LLP
100 North 10th Street
P.O. Box 1778
Harrisburg, PA 17105

Dominion Retail Inc.
Dominion Retail, Inc. d/b/a
Dominion Peoples Plus
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817

Direct Energy Business LLC
Two Gateway Center, 9th Floor
Pittsburgh, PA 15222-1402

Exelon Energy
Joyce Walsh
847 Topaz Drive
West Chester, PA 19382

Allegheny Energy Supply Co. LLC
800 Cabin Hill Drive
Greensburg, PA 15601

Constellation Energy Comm. Group
c/o Melanie J. Tambolas
Blank Rome
One Logan Spare
130 North 18th Street
Philadelphia, PA 19103-6998

David Fein
Constellation Energy Group Inc.
550 West Washington Blvd., Suite 300
Chicago, IL 60661

Divesh Gupta
Constellation NewEnergy Inc.
Candler Building
111 Market Place, 7th Floor
Baltimore, MD 21202

Affiliated Power Purchasers Inc.
t/a APPI
224 Phillip Morris Dr., Suite 402
Salisbury, MD 21804-2001

Consolidated Edison Solutions
701 Westchester Ave., Suite 300E
White Plains, NY 10604-3002

Energy Cooperative Assoc-Phila.
1528 Walnut Street
Floor 21
Philadelphia, PA 19102-3614

Shipley Energy Company
550 East King Street
P.O. Box 946
York, PA 17405

Richards Energy Group, Inc.
3901 Nolt Road, Building #1
Landisville, PA 17538

UGI Energy Services, Inc.
One Meridian Blvd., Suite 2C01
Wyomissing, PA 19610

Pepco Energy Services, Inc.
t/a PowerChoice
1300 N. 17th Street, #1600
Arlington, VA 22209

Worley & Obetz, Inc.
t/a Advanced Energy
P.O. Box 429 85, White Oak Road
Manheim, PA 17545

Jack Rich, Incorporated
t/a Anthracite Power & Light Co.
617 Altamont Boulevard
Frackville, PA 17931

PP&L EnergyPlus Co., LLC
PPL EnergyPlus LLC
Two North Ninth Street
Allentown, PA 18101-1179

Provident Energy Consulting LLC
107 Chesley Drive, Suite 2
Media, PA 19063

Energy Management Resources
20 West 9th Street
Kansas City, MO 64105

On-Demand Energy, Inc.
P.O. Box 869
300 Corporate Drive, Suite 50
Moon Township, PA 15108

Integrays Energy Services, Inc.
600 Superior Ave., Suite 1300
Cleveland, OH 44114

Coral Power, LLC
909 Fannin, Suite 700
Houston, TX 77010

Commerce Energy, Inc. 600 Anton Blvd.
Suite 2000
Costa Mesa, CA 92626

Unitil Resources Inc.
t/a Usource
6 Liberty Lane West
Hampton, NH 03842-1720

Sempra Energy Solutions
401 West A Street
Suite 500
San Diego, CA 92101

Duquesne Light Energy LLC
875 Greentree Road
Suite 440
Pittsburgh, PA 15220

Community Energy, Inc,
150 Strafford Avenue, Suite 110
Wayne, PA 19087

Reliant Energy Solutions East
1000 Main Street
Houston, TX 77002

Suez Energy Resources NA, Inc.
3 Barker Avenue
White Plains, NY 10601

South Jersey Energy Co.
#1 South Jersey Plaza
Route 54
Folsom, NJ 08037

Washington Gas Energy Services
13865 Sunrise Valley Drive
Suite 200
Herndon, VA 20171-4661

EnergyWindow, Inc.
1965 57th Ct. N.
Suite 202
Boulder, CO 80301-2826

Michael Messer, Vice President
Linde Energy Services Inc.
BOC Energy Services Inc.
1011 East Market Street
Bethlehem, PA 18017

Direct Energy Services, LLC
t/a Direct Energy/D.E. Bus. Svcs.
263 Tresser Blvd., 8th Floor
Stamford, CT 06901

Coexprise Inc.
6000 Brooktree Road, Suite 200
Wexford, PA 15090-9273

MXEnergy Electric, Inc.
595 Summer Street, Suite 300
Stamford, CT 06901

Energy Savers, Inc.
306 McKnight Park Drive
Pittsburgh, PA 15237-6534

Premier Power Solutions, LLC
289 Nutt Road
Grove City, PA 16127

American Powernet Management LP
867 Berkshire Blvd., Suite 101
Wyomissing, PA 19610

Liberty Power Delaware LLC
Suite 410
800 West Cypress Creek Road
Fort Lauderdale, FL 33309

Liberty Power Holdings, LLC
Suite 410
800 West Cypress Creek Road
Fort Lauderdale, FL 33309

MRDB Holdings, LP
12700 Park Central Drive
Suite 200
Dallas, TX 75251

GEXA Energy Pennsylvania, LLC
GEXA Energy Pennsylvania, LLC
20 Greenway Plaza
Suite 600
Houston, TX 77046

Taylor Consulting and Contracting LLC
625 Main Street
Avoca, PA 18509-1956

Keystone Energy Consulting
Keystone Energy Consulting LLC
200 Brush Run Road
Suite C
Greensburg, PA 15601

National Utility Service Inc.
National Utility Service, Inc.
One Maynard Drive
P.O. Box 712
Park Ridge, NJ 07656-0712

Citizens Elect of Lewisburg
P.O. Box 551
1775 Industrial Blvd.
Lewisburg, PA 17837-0551

Duncannon Borough
428 N. High Street
Duncannon, PA 17020

Pike County Light & Power Co.
4 Irving Place
New York, NY 10003

Safe Harbor Water Power Corp.
1 Powerhouse Road
Conestoga, PA 17516-9651

Schuylkill Haven Borough
12 W. Main Street
Schuylkill Haven, PA 17972

UGI Utilities Inc.
P.O. Box 12677
100 Kachel Blvd., Suite 400
Reading, PA 19607

Wellsboro Electric Co.
P.O. Box 138
33 Austin Street
Wellsboro, PA 16901

Sensus Metering Systems
c/o Scott H. DeBroff, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

Industrial Customer Groups
c/o Shelby A. Linton-Keddie, Esq.
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108-1166

Citizen Power
c/o Theodore S. Robinson, Esq.
2121 Murray Avenue
Pittsburgh, PA 15217

Garrett Johnston
Trilliant Inc.
206 Highlands Drive
Woodstock, GA 30188

Gary A. Jack, Esq.
Duquesne Light Company
411 Seventh Avenue
16th Floor, Mail Drop 16-1
Pittsburgh, PA 15219

Wal-Mart
c/o Scott H. DeBroff, Esq.
Rhoads & Sinon LLP
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

John L. Munsch, Esq.
West Penn Power
d/b/a Allegheny Energy
800 Cabin Hill Drive
Greensburg, PA 15601

Tim Enwall
Tendril Networks
5395 Pearl Parkway
Suite 100
Boulder, CO 80301

J. Michael Love
Energy Association of PA
800 North 3rd Street, Suite 301
Harrisburg, PA 17102

Anthony Gay
PECO Energy Company
2301 Market Street
S23-1
Philadelphia, PA 19101


Michael Meath
Agway Energy Svc. LLC
3532 James Street, Suite 106
Syracuse, NY 13206

Retail Energy Supply Assoc.
Direct Energy Services
c/o Deanne M. O'Dell
Eckert Seamans Cherin & Mellott LLC
P.O. Box 1248
Harrisburg, PA 17018-1248

PP&L Industrial Customer Alliance
c/o Pamela C. Polacek
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Craig G. Goodman
National Energy Marketers Association
3333 K Street NW
Suite 110
Washington, DC 20007

Date: September 30, 2009

A handwritten signature in black ink that reads "Renardo L. Hicks". The signature is written in a cursive style and is positioned above a horizontal line.

Renardo L Hicks, Esq.