

Deanne M. O'Dell  
717.255.3744  
dodell@eckertseamans.com

December 14, 2009

**Via Electronic Filing**

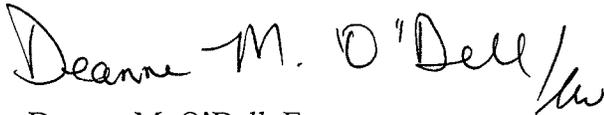
James McNulty, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of PECO Energy Company for Approval of its Revised Electric Purchase of  
Receivables Program, Docket No. P-2009-2143607

Dear Secretary McNulty:

On behalf of the Retail Energy Supply Association ("RESA") enclosed please find the original Petition to Intervene along with the electronic filing confirmation page with regard to the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely yours,



Deanne M. O'Dell, Esq.

DMO/lww  
Enclosure

cc: Cert. of Service w/enc.

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA'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 and/or First Class Mail

Hon. Veronica Smith  
Chief Administrative Law Judge  
Pa Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
[verosmith@state.pa.us](mailto:verosmith@state.pa.us)

David M. Kleppinger, Esq.  
Charis Mincavage, Esq.  
Barry A. Naum, Esq.  
McNees Wallace & Nurick LLC  
100 Pine Street  
PO Box 1166  
Harrisburg, PA 17108-1166  
[dkleppinger@mwn.com](mailto:dkleppinger@mwn.com)  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[bnaum@mwn.com](mailto:bnaum@mwn.com)

Thomas P. Gadsden, Esq.  
Kenneth M. Kulak, Esq.  
Catherine G. Vasudevan, Esq.  
Morgan Lewis & Bockius, LLP  
1701 Market St.  
Philadelphia, PA 19103-2921  
[tgadsden@morganlewis.com](mailto:tgadsden@morganlewis.com)  
[kkulak@morganlewis.com](mailto:kkulak@morganlewis.com)  
[cvasudevan@morganlewis.com](mailto:cvasudevan@morganlewis.com)

Tanya McCloskey, Esq.  
Barrett Sheridan, Esq.  
Office of Consumer Advocate  
555 Walnut St., 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923  
[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)  
[bsheridan@paoca.org](mailto:bsheridan@paoca.org)

Daniel G. Asmus, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second St.  
Harrisburg, PA 17101  
[dasmus@state.pa.us](mailto:dasmus@state.pa.us)

Johnnie E. Simms, Esq.  
Office of Trial Staff  
Pa Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265  
[josimms@state.pa.us](mailto:josimms@state.pa.us)

Romulo L. Diaz, Jr., Esq.  
Anthony E. Gay, Esq.  
Exelon Business Services Company  
2301 Market St.  
Philadelphia, PA 19101  
[Romulo.diaz@exeloncorp.com](mailto:Romulo.diaz@exeloncorp.com)  
[Anthony.gay@exeloncorp.com](mailto:Anthony.gay@exeloncorp.com)

Richard G. Webster, Jr.  
PECO Energy Company  
2301 Market St., S-15  
Philadelphia, PA 19103  
[Dick.webster@exeloncorp.com](mailto:Dick.webster@exeloncorp.com)

Christopher A. Lewis, Esq.  
Christopher R. Sharp, Esq.  
Blank Rome, LLP  
One Logan Square  
Philadelphia, PA 19103-6998

J. Barry Davis, Esq.  
Law Dept.  
City of Philadelphia  
1515 Arch St., 16<sup>th</sup> Floor  
Philadelphia, PA 19102

Paul F. Mapelli, Esq.  
Consolidated Edison Solutions, Inc.  
701 Westchester Ave. - #300 East  
White Plains, NY 10604

Brian R. Greene, Esq.  
SeltzerGreene, PLC  
707 East Main Street - #1025  
Richmond, VA 23219

Thu B. Tran, Esq.  
Philip A. Bertocci, Esq.  
Jonathan M. Stein, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

PPL EneyPlus, LLC  
PO Box 25225  
Lehigh Valley, PA 18002

Gary A. Jeffries, Esq.  
Dominion Retail, Inc.  
501 Martindale Street - #400  
Pittsburgh, PA 15212-5817

Todd S. Stewart, Esq.  
Hawke McKeon & Sniscak, LLP  
Harrisburg Energy Center  
PO Box 1778  
Harrisburg, PA 17105-1778

Divesh Gupta, Esq.  
Constellation Energy Resoruces, LLC  
111 Market Place - #500  
Baltimore, MD 21202

Thomas T. Niesen, Esq.  
Charles E. Thomas, III, Esq.  
Norman J. Kennard, Esq.  
Thomas Long Niesen & Kennard  
PO Box 9500  
Harrisburg, PA 17108-9500

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

Constellation NewEnergy, Inc.  
100 Constelaltion Way - #1200C  
Baltimore, MD 21202

OnDemand Energy Solutions  
300 Corporate Drive - #130  
PO Box 869  
Moon Township, PA 15108

Select Energy, Inc.  
107 Selden Street  
Berlin, CT 06037

Community Energy, Inc.  
150 Strafford Ave., # 110  
Wayne, PA 19087

Affiliated Power Purchasers, Inc.  
224 Phillip Morris Drive - # 402  
Salisbury, MD 21804

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

Dominion Retail, Inc.  
P.O. Box 298  
Pittsburgh, PA 15230-0298

FirstEnergy Solutions  
341 White Pond Drive - #B3  
Akron, OH 44320

Pepco Energy Service  
1300 North 17<sup>th</sup> Street - #1600  
Arlington, VA 22209

Taylor Consulting and Contracting, LLC  
625 Main Street  
Avoca, PA 18641

Champion Energy Services, LLC  
13831 N.W. Freeway - #250  
Houston, TX 77040

The Energy Cooperative Association of PA  
1218 Chestnut Street - #1003  
Philadelphia, PA 19107

UGI Energy Services, Inc.  
1 Meridian Blvd. - # 2C01  
Wyomissing PA 19610

Reliant Energy Solutions, LLC  
121 Champion Way - #200  
Canonsburg, PA 15317

Sempra Energy Solutions, LLC  
401 West A Street - # 500  
San Diego, CA 92101

Richards Energy Group  
3901 Nolt Road – Bldg. 1  
Landisville, PA 17538

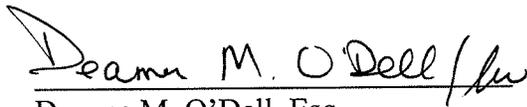
GDF SUEZ Energy Resources NA, Inc.  
1990 Post Oak Blvd. - #1900  
Houston, TX 77056

Usource, LLC  
348 Indian Ridge Drive  
Moon Township, PA 15108

Exelon Energy Company  
300 Exelon Way  
Kennett Square, PA 19348

Hess Corporation  
One Hess Plaza  
Woodbridge, NJ 07095

Dated: December 14, 2009

  
Deanne M. O'Dell, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :  
Approval of its Revised Electric Purchase : Docket No. P-2009-2143607  
of Receivables Program :

---

**PETITION TO INTERVENE OF  
THE RETAIL ENERGY SUPPLY ASSOCIATION (“RESA”)**

Pursuant to 52 Pa. Code §§ 5.72-5.75, the Retail Energy Supply Association (“RESA”)<sup>1</sup> submits this petition to intervene and participate in the above captioned proceeding regarding the petition of PECO Energy Company (“PECO”) for Approval of its Revised Electric Purchase of Receivables (“POR”) Program. In support of its intervention, RESA states as follows:

1. 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 electric distribution companies (“EDCs”), including PPL's service territory.

2. RESA’s attorneys in this matter are:

Daniel Clearfield, Esquire  
Deanne M. O’Dell, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
P.O. Box 1248  
Harrisburg, PA 17108-1248  
Phone: (717) 237-7160  
Fax: (717) 237-6019  
dclearfield@eckertseamans.com  
dodell@eckertseamans.com

---

<sup>1</sup> RESA’s members include Con Edison Solutions; Direct Energy Services, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Gexa Energy; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; RRI Energy; Sempra Energy Solutions LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

3. On November 20, 2009, PECO filed its Petition and the Direct Testimony of John J. McCawley in support its request that the Commission approve its proposed POR program to be effective January 1, 2011. The POR program is being proposed in accordance with the Commission-approved settlement of PECO's default service program for the provision of electric service after December 31, 2010. RESA was a party in that proceeding and a signatory of the settlement agreement in which PECO agreed to seek approval for a revised POR program consistent with the principals set forth in the settlement and after conducting three stakeholder meetings with interested parties. RESA participated in these stakeholder meetings.

4. 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 electric distribution companies ("EDCs"), including PECO's service territory.

5. PECO's proposed POR program contains important program elements that must be included in a properly structured POR program so that it effectively assists in the development of a robust competitive retail market. Specifically, PECO's proposed program (a) is available to all customers, with no minimum stay provisions; (b) permits PECO to terminate for non-payment of EGS charges (same basis of EDC charges); (c) eliminate 90 day revert to separate billing; (d) permits EGSs to simultaneously use dual billing for other non POR customers; (e) permits receivables associated with basic electricity supply services eligible for POR including renewable energy or alternative energy credits procured by an EGS and associated with the delivered energy; (f) maintains the current POR payments schedule and format (20 days for commercial customers and 25 days for residential customers); (g) proposes a

“zero discount” steady state POR program with an initial recovery rate of 0.2% of POR payment to EGSs, then discount is zero; and, (g) proposes recovery of uncollectible accounts expense associated with generation service in distribution base rates, or in an unbundled nonbypassable, non-reconcilable default service support rider that would be presented at the time of PECO’s next base rate case.

6. RESA supports these program features and further suggests that they must be timely implemented to ensure successful development of a competitive market which substantially impacts RESA members as well as the ultimate consumers of electricity. PECO has sought expedited treatment of its Petition so that a final Commission Order would be entered at the end of March 2010 giving PECO nine months to implement the program. RESA fully supports this request because certainty from the Commission will enable the industry to adequately plan and prepare for the expiration of PECO’s generation rate caps on January 1, 2011.

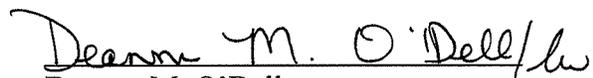
7. The Commission's regulations permit intervention where a person has an interest in the proceeding which may be directly affected and which is not adequately represented by existing parties, and as to which the person may be bound by the action of the Commission in the proceeding. 52 Pa. Code § 5.72(a)(2). 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.

7. 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 PECO’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 will be specifically and substantially affected by the final Commission-approved structure for the POR Program. The result of this decision will affect the development of the competitive market which will have an impact on the ability of customer to receive competitive electricity service from alternate providers like RESA members.

**WHEREFORE**, the Retail Energy Supply Association respectfully requests that its petition to intervene in this proceeding be granted.

Respectfully submitted,



Deanne M. O'Dell  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
P.O. Box 1248  
Harrisburg, PA 17108-1248

Counsel for the Retail Energy Supply  
Association

Dated: December 14, 2009