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February 13, 2012

**Via Electronic Filing**

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

Re: Petition of PECO Energy Company for Approval of  
Its Default Service Program; Docket No. P-2012-2283641

Dear Secretary Chiavetta:

On behalf of the Retail Energy Supply Association ("RESA") enclosed please find the original of its Petition to Intervene, with the electronic filing confirmation page, with regard to the above-referenced matter.

Sincerely yours,

Deanne M. O'Dell, Esq.

DMO/jls  
Enclosure

cc: Hon. Dennis Buckley, ALJ w/enc.  
Certificate of Service w/enc.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of RESA's Petition to Intervene upon the participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

**VIA EMAIL AND FIRST CLASS MAIL**

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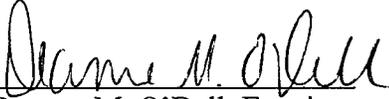
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Date: February 13, 2012

  
Deanne M. O'Dell, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PECO Energy Company For :  
Approval Of Its Default Service Program : Docket No. P-2012-2283641  
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**PETITION TO INTERVENE  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION**

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Pursuant to 52 Pa. Code §§ 5.72-5.75, the Retail Energy Supply Association (“RESA”)<sup>1</sup> petitions to intervene in the Petition of PECO Energy Company (“PECO” or Company”) for Approval if its Default Service Program (“DSP Petition”). In support of its intervention, RESA states as follows:

1. On January 13, 2012, PECO Energy Company (“PECO”) filed a petition for approval of a default service program for the period from June 1, 2013 through May 31, 2015. This is PECO’s second proposed program for default service under Pennsylvania’s Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §§ 2801-2812.

2. Notice of the DSP Petition was published in the *Pennsylvania Bulletin*. 42 Pa.B. 642 (Saturday, January 28, 2012). That notice required that formal protests, petitions to intervene and answers to the DSP Petition be filed by Monday, February 13, 2012.

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

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<sup>1</sup> RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant and TriEagle Energy, L.P. 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.

members are licensed to sell electric energy in the markets of Pennsylvania's major EDCs, including the service territory of PECO.

4. RESA's representative in this matter is:

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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 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 in PECO's service territory will be specifically and substantially affected by the outcome of this proceeding, which will establish the terms and conditions under which PECO will acquire electric supply to serve its Default Service load from June 1, 2013 through May 31,

2015 and, thus, the rates against which RESA members must compete to sell electricity to retail customers in PECO's service territory. In addition, the petitions propose to establish various retail market markets such as an opt-in auction, customer referral program and a time of use program in which EGS participation is necessary.

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 PECO'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 any individual EGS.

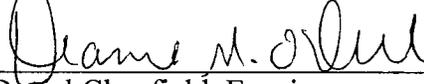
8. RESA's members will be bound by the action of the Commission in this proceeding, which will determine PECO's default service rates, terms and conditions for beginning June 2013 as well as the terms and conditions for the various retail market enhancement programs proposed by PECO.

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 PECO. RESA has also been an active participant in the Commission's Retail Market Investigation at docket number I-2011-223752 which has been investigating most of the issues to be addressed in this proceeding.

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 PECO's DSP Petition (and related information), or other issues raised by other parties.

**WHEREFORE**, it is respectfully requested that the Commission grant RESA's Petition to Intervene.

Respectfully submitted,



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Daniel Clearfield, Esquire

Attorney ID 26183

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Date: February 13, 2012

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