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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 Green Mountain Energy Company ("GMEC") enclosed please find the original of its Petition to Intervene, with the electronic filing confirmation page, with regard to the above-referenced matter.

Very truly yours,



Jeffrey J. Norton

JJN/jls
Enclosure

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Green Mountain Energy Company'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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Date: February 13, 2012


Jeffrey J. Norton, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition Of PECO Energy Company For :
Approval Of Its Default Service Program : Docket No. P-2012-2283641
:

**GREEN MOUNTAIN ENERGY COMPANY'S
PETITION TO INTERVENE**

Pursuant to 52 Pa. Code §§ 5.72-5.75, and the public notice filed in the Pennsylvania Bulletin on January 28, 2012, Green Mountain Energy Company (“GMEC”) petitions to intervene in the Petition of PECO Energy Company (“PECO” or “Company”) for approval of its Default Service Program (“DSP Petition”). In support of its intervention, GMEC states as follows:

1. On January 13, 2011, PECO filed the subject DSP Petition proposing to establish the terms and conditions under which it will procure default service supply, provide default service to non-shopping customers, and recover all associated costs on a full and current basis 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. By public notice published in the *Pennsylvania Bulletin* on January 28, 2012, the Commission established a deadline of February 13, 2012 for formal protests, petitions to intervene and answers. The Initial Prehearing Conference before Administrative Law Judge Dennis J Buckley is scheduled for Tuesday, March 13, 2012.

3. GMEC is an electric generation supplier (“EGS”) licensed by the Commission at A-2011-2229050 to provide electricity and related services to large commercial (over 25 kw), industrial and governmental customers throughout Pennsylvania, including PECO’s service

territory, and is currently considering expanding its target customer base to include residential and small business customers. GMEC has a unique business model, and extensive experience in providing environmentally attractive energy services to large commercial and industrial (“C&I”) customers, and government entities. GMEC offers customers more than just another choice in energy providers, it offers customers the opportunity to make a difference for the environment by supporting cleaner, renewable sources of energy instead of limited and polluting fossil fuels.

4. GMEC’s attorneys in this matter are:

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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. 52 Pa. Code § 1.8.

6. GMEC meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). As a supplier in PECO’s territory, GMEC satisfies the standard for intervention because GMEC possesses an “interest 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.” 52 Pa. Code § 5.72(a)(1).

7. GMEC's interests in this proceeding are unique from and not adequately represented by other parties that may seek to intervene, including other EGSs or other organizations interested in electric competition in Pennsylvania in general and in these service territories in particular. In view of GMEC's unique business model, GMEC's interests in this proceeding cannot be adequately represented by other EGS parties which have different business models and different customer target markets.

8. GMEC's interests are substantial. PECO's default service plan for the June 1, 2013 through May 31, 2015 period will have a material effect on competitive development in its service territory. In addition, PECO is proposing several "competition enhancing measures" prompted by the PUC's December 16, 2011 Order: *Investigation of Pennsylvania's Retail Electricity Market Intermediate Work Plan*.¹ Specifically, PECO is proposing a "Customer Referral Program" and an "Opt-In Auction" for residential customers.

9. GMEC is licensed by the Commission to provide service to customers in the PECO's service territory and will continue to do so as long as the market structure supports sustained and robust electric competition. GMEC plans to focus on assuring that both PECO's default service plan and its competition enhancing measures will adequately consider the interests of competitive supply options that include environmental or other attributes or benefits. The terms of the measures as implemented by PECO may impact GMEC's plans to expand its target customer base in PECO's service territory.

10. GMEC will be bound by the action of the Commission in this proceeding, which will determine PECO's default service rates, terms and conditions effective June 1, 2013. GMEC must compete against these rates, and how they are structured will have a significant

¹ PUC Docket No. I-201102237952.

effect on the level of competition that will be experienced in PECO's market during this period and, thus, on the ability of GMEC to continue to do business in PECO's service territory. Thus, the Commission's actions regarding PECO's proposals will have a substantial impact on GMEC's future involvement in that market.

11. Specifically, GMEC is directly interested in the proposed elimination of PECO's Wind program. As part of the DSP Petition, PECO has proposed the elimination of its Wind Energy Service Rider. DSP Petition, at ¶¶ 37. As the PECO Wind program is eliminated, PECO will refer current PECO Wind customers to interested EGSs who can offer these customers a "green energy" product. DSP Petition, at ¶¶ 58. The implementation of such proposals directly impact GMEC's business model, and GMEC believes that it should be EGSs to whom PECO will refer such customers.

12. At this time, GMEC continues to evaluate its position on the PECO's proposals related to the Wind Program and the competition enhancing measures and will refine its position based on further study of the proposals, review of discovery and additional input from other parties.

13. GMEC's intervention is in the public interest. GMEC is the nation's longest serving retail provider of clean energy products and a pioneer of the green power market in the United States. GMEC participated at the outset of Pennsylvania's transition to energy competition in 1998, and served residential and commercial electric customers in the Commonwealth through 2005. GMEC has the experience and resources to aid the Commission in carrying out its duties and responsibilities under the Electricity Generation Customer Choice and Competition Act to ensure that the goals of the Act are met. Accordingly, GMEC is uniquely qualified to present views regarding PECO's wind product and the affect of PECO

competition enhancing measures on value-added marketers, and GMEC's participation in this proceeding is clearly in the public interest. *See* 52 Pa. Code § 5.72(a)(3).

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

Respectfully submitted,



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