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File #: 145610

February 14, 2012

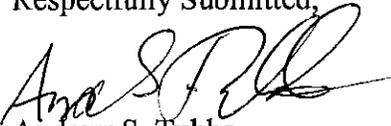
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Petition of PECO Energy Company for Approval of a Default Service Program**  
**Docket No. P-2012-2283641**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PPL EnergyPlus, LLC is its Petition to Intervene in the above-referenced proceeding. Copies will be provided to the persons as indicated in the certificate of service.

Respectfully Submitted,



Andrew S. Tubbs

AST/jl  
Enclosures  
cc: Certificate of Service

**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 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA FIRST CLASS MAIL**

Honorable Dennis J. Buckley  
Administrative Law Judge  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor East  
PO Box 3265  
Harrisburg, PA 17105-3265

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Philadelphia, PA 19103-2921

Date: February 14, 2012

  
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Andrew S. Tubbs

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**PETITION OF PPL ENERGYPLUS, LLC TO INTERVENE**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

PPL EnergyPlus, LLC (“PPL EnergyPlus”), by and through their attorneys, Post & Schell, P.C., hereby file this Petition to Intervene (“Petition”), pursuant to 52 Pa. Code §§ 5.71 - 76, 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 Petition, PPL EnergyPlus states the following:

1. PPL EnergyPlus is a corporation organized and existing under the law of the Commonwealth of Pennsylvania. PPL EnergyPlus is an electric generation supplier (“EGS”) licensed by the Commission at Docket No. A-110098 to service customers throughout the Commonwealth of Pennsylvania, including PECO’s service territory.

2. PPL EnergyPlus attorneys in this matter are:

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PPL EnergyPlus attorneys are authorized to receive all notices and communications regarding this Petition.

3. On January 13, 2012, PECO filed its DSP Petition wherein it proposes to establish the terms and conditions under which the Company will procure default service supply, provide default service to non-shopping customers, and recover all costs on a full and current basis for the period from June 1, 2013 through May 31, 2015. The Initial Prehearing Conference before the Administrative Law Judge Dennis J. Buckley is scheduled for Tuesday, March 13, 2012.

4. The Commission's regulations at 52 Pa. Code §§ 5.71-76 establish the standards and requirements for a party to intervene in an action before the Commission. Section 5.72 sets forth the eligibility requirements for a party to intervene, which provides, in pertinent part, as follows:

(a) Persons. A petition to intervene may be filed by a person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought. The right or interest may be one of the following:

(1) A right conferred by statute of the United States or of the Commonwealth.

(2) 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.

(3) Another interest of such nature that participation of the petitioner may be in the public interest.

52 Pa. Code § 5.72. The eligibility requirements for an interested party to intervene in an action before the Commission is less strict and easier to satisfy than the common law standard for intervention. *Application of Metropolitan Edison Co. for Approval to Construct an Electric Generating Unit Fueled by Natural Gas*, Docket No. A-110300, 1994 Pa. PUC LEXIS 52 (Order entered Feb. 25, 1994) (citing *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975)).

5. PPL EnergyPlus meets the standards for intervention set forth in 52 Pa. Code § 5.72(a). PPL EnergyPlus has an interest that will be directly affected by the Commission's disposition of the Company's DSP Petition. As noted above, through its DSP Petition, PECO is proposing terms and conditions that will have a significant impact to the competitive retail electric market in PECO's service territory for the period of June 1, 2013 through May 31, 2015. In addition, PECO's DSP Petition addresses a number of "market enhancing steps", including opt-in auctions, referral programs, and new and moving customer programs.

6. PPL EnergyPlus, as a licensed EGS in PECO's service territory, clearly has a direct and substantial interest in the competitive retail market structure in PECO's service territory. In addition, PPL EnergyPlus, like other licensed EGSs, has its own unique business plan to attract and maintain customers in various customer segments. Therefore, the interests of PPL EnergyPlus are not adequately represented by any other party.

7. Further, PPL EnergyPlus will be bound by the action of the Commission in this proceeding. At the conclusion of this proceeding, the Commission will determine PECO's

default service rates and how those rates are structured. As an active EGS in PECO's service territory, PPL EnergyPlus will need to compete against the Company's DSP rates and abide by the terms of any market-enhancements approved by the Commission. Therefore, the Commission's determinations in this proceeding will have a direct and substantial impact on PPL EnergyPlus and its operations.

8. PPL EnergyPlus' participation in this proceeding is in the public interest. PPL EnergyPlus is presently active in PECO's service territory serving residential and commercial customers. PPL EnergyPlus will provide the Commission with the perspective of an active EGS relative to the issues impacting Pennsylvania's current and future retail electricity market at issue in this proceeding.

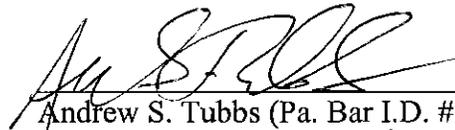
9. Based on the foregoing, PPL EnergyPlus has substantial interests that will be directly and immediately affected by the Commission's disposition of PECO's DSP Petition and, therefore, meets the requirements of 52 Pa. Code § 5.72(a).

10. PPL EnergyPlus notes that the Commission indicated in a notice of PECO's DSP Petition that was published in the Pennsylvania Bulletin that petitions to intervene should be filed on or before February 13, 2012. 42 Pa. Bulletin 642 (Jan.28, 2012). PPL EnergyPlus was not an active participant in PECO's prior DSP proceedings but as PPL EnergyPlus has expanded its footprint in Pennsylvania's retail electric markets, it has determined that this is an important proceeding for its operations. The granting of PPL EnergyPlus' Petition to Intervene will not prejudice any party because they have filed the Petition to Intervene one day past the deadline set by the Commission, and nearly one month before the date of the prehearing conference in this proceeding. Further, granting PPL EnergyPlus' Petition to Intervene will not result in any delay in this proceeding. In addition, granting PPL EnergyPlus' Petition to Intervene would be in the

public interest given their unique perspective on the issues raised in the proceeding, as explained above. Lastly, PPL EnergyPlus has spoken to counsel for PECO and is authorized to state that PECO does not object to PPL EnergyPlus' filing its Petition to Intervene.

WHEREFORE, for all the foregoing reasons, PPL EnergyPlus, LLC respectfully request that they be permitted to intervene in this proceeding.

Respectfully submitted,



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Of Counsel:

Post & Schell, P.C.

Date: February 14, 2012

Attorney for PPL EnergyPlus, LLC