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March 12, 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 Prehearing Memorandum along with the electronic filing confirmation page with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely yours,



Edward G. Lanza

EGL/lww  
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 Prehearing Conference Memo 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: March 12, 2012



Edward G. Lanza, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING MEMORANDUM  
OF RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to 52 Pa. Code §§ 5.72-5.75 and the Prehearing Conference Order dated March 6, 2012, and subject to the granting of the Petition to Intervene filed by the Retail Energy Supply Association (“RESA”)<sup>1</sup> in the above captioned proceeding, RESA submits this Prehearing Memorandum.

**I. REPRESENTATION**

RESA’s attorneys in this matter are:

Daniel Clearfield, Esquire  
Deanne M. O’Dell, Esquire  
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RESA agrees to accept electronic service to all attorneys listed above to be followed up with one hard copy of the documents served.

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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; 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.

## II. PRESENTLY IDENTIFIED ISSUES

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 the service territories of PECO Energy Company ("PECO").

RESA has identified the following issues that should be examined in this proceeding:

- Whether PECO's overall default service supply plan is consistent with the Commission's regulations and the Public Utility Code.
- The effectiveness of the PECO's default service plan to promote retail market development for the benefit of consumers in the Companies' service territories.
- Whether PECO's proposed PECO has proposed change to an annual reconciliation of default service costs, rather than the currently quarterly reconciliation, is consistent with the Commission's regulations and the Public Utility Code.
- The appropriateness of relying on a blend of laddered one-year and two-year full requirements products for the full requirements portion of the portfolio, PECO's proposed schedule of competitive supply auctions and lead times prior to delivery, and the rate class classifications.
- The design, purpose and potential effectiveness of PECO's proposed Opt-In Auction program, customer referral program, and Time of Use rates to promote retail market development for the benefit of consumers in the Companies' service territories.

At this time, RESA continues to evaluate its position on the proposed default service plan and will refine its position based on further study of the proposals, review of discovery and additional input from other parties. RESA reserves the right to address other issues identified through its continued review and analysis of the filing or raised by other parties.

### **III. WITNESSES**

At this time, RESA is still evaluating whether or not to present testimony in this matter. RESA reserves the right to present a witness as may be necessary depending on the course of the proceeding and will provide the Presiding Officer as well as the other parties in this matter reasonable notice if necessary. RESA also reserves its right to add additional witnesses or change the identity of its witnesses at any time upon appropriate notice to the Presiding Officer and the parties.

### **IV. LITIGATION SCHEDULE AND DISCOVERY RULES**

RESA proposes the following litigation schedule for this proceeding:

PECO Supplemental Direct	March 16, 2012
Direct Testimony – Other Parties	April 16, 2012
Rebuttal Testimony	May 4, 2012
Surrebuttal Testimony	May 18, 2012 (by noon)
Hearings	May 23-24, 2012
Main Briefs	June 18, 2012
Reply Briefs	July 3, 2012
Recommended Decision	August 3, 2012
Exceptions	August 23, 2012
Reply Exceptions	September 4, 2012

Note that the highlighted sections are different than that which we understand PECO intends to propose. However, PECO's proposed schedule would provide just eight-and-one-half days in which to prepare surrebuttal. Eight-and-one-half days is simply an inadequate amount of time to respond to the rebuttal testimony that will include PECO's response to the initial

testimony submitted by RESA and other interveners, including the public parties. RESA notes that, under PECO's schedule, PECO (and others submitting rebuttal) would be given twenty-two (22) days in which to submit rebuttal and just the already-referenced eight and one half days in which to respond. RESA's proposed approach would provide parties eighteen (18) days in which to submit rebuttal and thirteen-and-one-half days for surrebuttal – still a very challenging time frame, but better than the PECO proposal. RESA is amenable to working with the other parties in this matter to adopt a different reasonable litigation schedule and/or necessary modifications to the Commission's discovery rules.

**V. SETTLEMENT**

RESA is willing to participate in settlement discussions with any party to narrow the issues in this matter.

Respectfully submitted,



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Date: March 12, 2012

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