

Jeffrey J. Norton
717.237.7192
215.523.7810
jnorton@eckertseamans.com

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 Green Mountain Energy Company ("GMEC") enclosed please find the original of its Prehearing Memo, 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.

Very truly yours,



Jeffrey J. Norton

JJN/lww
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 Prehearing 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

Johnnie E. Simms
Chief Prosecutor
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
josimms@pa.gov

Anthony E. Gay, Esquire
Jeanne J. Dworetzky, Esquire
PECO Energy Company
2304 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
Jeanne.Dworetzky@exeloncorp.com
Anthony.gay@exeloncorp.com

Richard A. Kanaskie, Esquire
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Thomas P. Gadsden, Esquire
Kenneth M. Kulak, Esquire
Brooke E. Leach, Esquire
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com
kkulak@morganlewis.com
bleach@morganlewis.com

Tanya J. McCloskey, Esquire
Candis Tunilo, Esq.
Christy M. Appleby, Esq.
Office of Consumer Advocate
555 Walnut Street, 5th Fl.
Harrisburg, PA 17101-1923
tmccloskey@paoca.org
ctunilo@paoca.org
cappleby@paoca.org

Elizabeth Rose Triscari, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, PA 17101
ETriscari@pa.gov

Todd S. Stewart, Esquire
Hawke, McKeon & Sniscak LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

Melanie J. Elatieh, Esq.
UGI Corporation
460 North Gluph Road
King of Prussia, PA 194-6
elatiehm@ugicorp.com

Tori L. Giesler, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
tgiesler@firstenergycorp.com

Daniel Clearfield, Esq.
Deanne M. O'Dell, Esq.
Edward G. Lanza, Esq.
Eckert Seamans Cherin & Mellott LLC
213 Market Street, 8th Fl.
Harrisburg, PA 17101
dclearfield@eckertseamans.com
dodell@eckertseamans.com
elanza@eckertseamans.com

Patrick M. Cicero, Esq.
Harry S. Geller, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
pulp@palegalaid.net
HGellerPULP@palegalaid.net

Stephen L. Huntoon, Esq.
Senior Attorney
NextEra Energy Resources, LLC
801 Pennsylvania Ave., NW, Suite 220
Washington, DC 20001
shuntoon@nexteraenergy.com

Thu B. Tran, Esq.
Robert W. Ballenger, Esq.
George D. Gould, Esq.
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
ttran@clsphila.org
rballenger@clsphila.org
ggould@clsphila.org

Thomas McCann Mullooly, Esq.
Trevor D. Stiles, Esq.
Foley & Lardner LLP
777 East Wisconsin Ave.
Milwaukee, WI 53202
tmullooly@foley.com
tstiles@foley.com

Date: March 12, 2012



Carl R. Shultz, 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 GREEN MOUNTAIN ENERGY COMPANY**

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 Green Mountain Energy Company (“GMEC”) in the above captioned proceeding, GMEC submits this Prehearing Memorandum.

I. REPRESENTATION

GMEC’s attorneys in this matter are:

Jeffrey J. Norton, Esquire
Carl R. Shultz, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
P.O. Box 1248
Harrisburg, PA 17101
717.237.6000
Fax 717.237.6019
jnorton@eckertseamans.com
cshultz@eckertseamans.com

II. PRESENTLY IDENTIFIED ISSUES

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 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. In addition, on February 16, 2012, the request

of GMEC to amend its electric generation supplier license to serve residential and small commercial (25 kW and under) customers as a supplier, in addition to large commercial (over 25 kW), industrial and governmental customers, in all electric distribution company service territories throughout the Commonwealth of Pennsylvania was approved by the Commission.¹

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.

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.

GMEC 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, including the “competition enhancing measures” directed by the PUC, to promote retail market development for the benefit of consumers in PECO’s service territory.
- The effectiveness of PECO’s “competition enhancing measures” included in PECO’s default service plan to promote “green energy products. The design, purpose and potential effectiveness of PECO’s proposed elimination of its Wind Energy Service Rider, including the referral by PECO of its Wind customers to interested EGSs who can offer these customers a “green energy” product.

¹ PUC Docket No. A-2011-2229050.

Specifically, GMEC believes that it should be EGSs to whom PECO will refer such customers.

At this time, GMEC continues to evaluate its position on PECO's default service proposals and will refine its position based on further study of the proposals, review of discovery and additional input from other parties. GMEC 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, GMEC is still evaluating whether or not to present testimony in this matter. GMEC 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. GMEC 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

GMEC is amenable to working with the other parties in this matter to adopt a reasonable litigation schedule and/or necessary modifications to the Commission's discovery rules.

V. SETTLEMENT

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

Respectfully submitted,



Jeffrey J. Norton, Esquire
Attorney ID 39241

Carl R. Shultz, Esquire
Attorney ID 70328

Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
Phn 717.237.6000
Fax 717.237.6019

Date: March 12, 2011

Attorneys for Green Mountain Energy Corporation